

# EXHIBIT 6



Nicole Ramos  
Project Director  
Border Rights Project

June 22, 2017

U.S. Department of Homeland Security  
Office for Civil Rights and Civil Liberties  
Compliance Branch  
245 Murray Lane, SW  
Building 410, Mail Stop #0190  
Washington, D.C. 20528

**RE: Omar Arnoldo Rivera Martinez (A#213-081-649)  
Josue Mateo Lemus Campos (A#213-078 -965)**

Dear CRCL Compliance Branch Officer:

I represent Omar Rivera Martinez (A#213-081-649) and Josue Mateo Lemus Campos (A#213-078 -965), two Salvadoran asylum seekers now detained in the Adelanto Detention Facility. I write now to request that your office immediately investigate the brutal attack of these men committed by GEO guards on June 12, 2017. I am also requesting that your office immediately investigate the conduct of ICE officers at the facility, and the Los Angeles Field Office, with respect to their failures to respond to this attack, failures which have resulted in repeated violations of Mr. Rivera Martinez and Mr. Lemus Campos's basic rights. Finally, I am requesting that this office remedy these egregious violations by ensuring Mr. Rivera Martinez and Mr. Lemus Campos's immediate release from custody on humanitarian parole.

On June 12, 2017, Mr. Lemus Campos and Mr. Rivera Martinez, along with seven other asylum seekers, began a peaceful hunger strike. The purpose of this fast was to alert officials to their concerns over inhumane conditions and treatment at the facility. For this nonviolent action, the men were beaten, tortured, denied access to medical care, placed in segregation, and denied their right to private attorney-client communications. Even more troubling, GEO guards made statements to both counsel, and Mr. Rivera Martinez, linking the men's ability to receive medical care, or the ability to meet with counsel in private, to the fact that the men were under disciplinary sanction following the guards' savage attack.

*A Peaceful Hunger Strike*

On Monday June 12, 2017, Mr. Rivera Martinez and Mr. Lemus Campos, along with the seven other asylum seekers of the "Adelanto 9," began a hunger strike. On that date, between 5:30am

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**P000190**

and 7am, the asylum seekers quietly took their seats at two tables in the dining area of the dormitory in which they also slept. As other detainees began to eat, the men chose to abstain, instead requesting to speak with an officer so that they might explain the reasons behind the hunger strike. The men had drafted a complaint letter and attempted to present their complaint to an official. However, every guard and administrator to whom the asylum seekers attempted to show their complaint simply refused to look at it.

After noting that the asylum seekers were refusing to eat, the GEO guards ordered the men to eat, or to return to their beds. The men again asked to speak with someone about their grievances, and indicated their intention to remain seated until someone spoke with them. The asylum seekers then linked arms.

#### Physical Abuse of the Asylum Seekers, Denial of Medical Care & Due Process

While this attack involved several guards, the exact number which is unknown at this time (but is estimated to be between 6 and 10 guards), Mr. Rivera Martinez and Mr. Lemus Campos both recall a Caucasian female lieutenant began screaming at the group in English, and showering them with pepper spray. Shortly thereafter, other guards joined in the attack. Mr. Rivera Martinez noted the presence of an African American bearded male guard approximately 190cm tall, a Caucasian male guard approximately 170 cm in stature, and a Caucasian female guard with greenish-grey eyes. If provided a photo array of the guards assigned to the morning shift on June 12<sup>th</sup>, both Mr. Rivera Martinez and Mr. Lemus Campos can identify their attackers. This incident also occurred in front of numerous other detainees housed within the dormitory, many of whom could identify Mr. Lemus Campos and Mr. Rivera Martinez's attackers.

As the guards doused the group in pepper spray, the asylum seekers attempted to huddle together in order to shield their eyes from the painful chemicals. However, the guards broke their huddle, continuing to shower them with pepper spray in their faces, all over their bodies, including their genital area, soaking their clothing. At some point, the asylum seekers were handcuffed.

The men were then ordered to take a hot shower. At first, Mr. Rivera Martinez refused to shower. To force his compliance, a Caucasian female guard scratched Mr. Rivera Martinez all over his forearms, torso, and back. A Caucasian male guard then grabbed Mr. Rivera Martinez and slammed him face-first into a concrete wall, causing Mr. Rivera Martinez's nose to fracture, his upper right lateral cuspid tooth to break and fall out, and the crown on his bottom-left second bicuspid tooth to break and fall out. For his part, Mr. Lemus Campos experienced excruciating pain in his genital area where guards repeatedly sprayed him with pepper spray.

Both Mr. Rivera Martinez and Mr. Lemus Campos reported that the guards *forced* the men to bathe in hot water, as opposed to cool water, *for the purpose* of causing the asylum seekers *more* pain. Both men reported that the guards laughed as they showered because it was clear that the men were in severe pain. The fact that those responsible for their care and custody were now laughing at them, *after beating them like animals*, humiliated and terrified the men.

#### Injuries & the Refusal to Provide Medical Treatment

During this attack, Mr. Rivera Martinez sustained approximately "30 separate scratch marks" on his body, "ranging in length from one to several inches." See Affidavit of Attorney Hussain



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Turk. His nose is “visibly fractured and off-set to the left side of his face by several millimeters.” *See id.* He has bruising on his right wrist. These injuries were visible *five days after* the beating. *See id.*

Mr. Rivera Martinez and Mr. Lemus Campos have received no medical care apart from having their vital signs taken. Mr. Rivera Martinez has made *numerous* verbal and written requests for medical care from the guards. He has complained of extreme difficulty breathing as a result of his nose being fractured. However as of June 17, 2017, he still had not received medical care. Indeed, one guard told Mr. Rivera Martinez that he *would not* receive care because he was being punished.

It is particularly puzzling why Mr. Rivera Martinez has not received medical treatment to address his visibly obvious injuries given the fact that ICE officers took photographs of Mr. Rivera Martinez’s mouth and face following the attack. ICE officers at the facility therefore have *direct knowledge* that Mr. Rivera Martinez was badly injured and needs medical attention, and have done *nothing* to ensure that he receives appropriate treatment. Mr. Rivera Martinez is “*now in so much pain that he cannot sleep,*” and is “*too afraid of further torture to ask for medical treatment.*” *See* Affidavit of Hussain Turk.

#### Preventing Access to the Complaint Process

Both Mr. Lemus Campos and Mr. Rivera Martinez have made *numerous* requests to be provided with complaint forms in order to report the guards’ attack, and pursue an administrative grievance. However, the guards have repeatedly refused to provide copies of these forms. ICE officers have also failed miserably in their response to this attack. Despite ICE officers *conceding* that they had watched the recording of the beating, after which they determined that the GEO guards’ actions violated the men’s rights, and despite ICE officers making vague promises that the guards would be disciplined, Mr. Lemus Campos and Mr. Rivera Martinez have not been informed what consequences, *if any*, will be meted out to the perpetrators of their assault.

*However*, the men have been provided with paperwork indicating that the Adelanto facility has taken disciplinary action *against them*. Curiously enough, paperwork received by Mr. Rivera Martinez shows that he was transferred to solitary confinement for violating Rule 213 “Inciting a Group Demonstration” on June 12, 2017 (despite statements made to him and counsel that he had been placed in medical isolation for symptoms of varicella, i.e. chickenpox). The memorandum decision indicates that Mr. Rivera Martinez’s punishment was to last 10



consecutive days; that this punishment had been determined at an administrative hearing; and that Mr. Rivera Martinez was informed of his rights prior to the hearing. However Mr. Rivera Martinez does not recall attending any disciplinary hearing on that date, does not recall being advised of his right to retain counsel, and does not recall being provided documents in his native language such that he could understand the nature of the disciplinary charge against him.

*Moreover*, the combination of not knowing whether their attackers will be disciplined, and that they will be protected from future attacks, being denied access to the only avenue that they can raise concerns for their safety, while being isolated in segregated housing, creates a psychologically tortuous environment for Mr. Rivera Martinez and Mr. Lemus Campos. Because if the guards are permitted to viciously attack without consequences, and ICE officers are permitted to ignore their pleas for help, while the asylum seekers themselves are punished, their safety while in the care of the United States government is not a foregone conclusion.

### Orantes Violations

On Wednesday, June 14, 2017, I spoke with Lieutenant Otter at the Adelanto Facility regarding arranging a legal visit with Mr. Rivera Martinez. He advised that because Mr. Rivera Martinez was in "medical quarantine," I would not be permitted to visit with him. I then questioned Lieutenant Otter regarding arranging a legal call, to which he responded that Mr. Rivera Martinez could call me from the pay phone. I reminded Lieutenant Otter that Mr. Rivera Martinez, under *Orantes* has the right to private attorney-client communications with counsel, and that the facility would have to provide a way for that to take place either in-person, or via a non-monitored telephone line.

On Saturday June 17, 2017, Attorney Hussain Turk visited with Mr. Lemus Campos to gather more information regarding the attack. However, Officer T. Johnson informed Attorney Turk that he could not visit with Mr. Lemus Campos in a contact visitation room because Mr. Lemus Campos was being disciplined. Attorney Turk requested to be provided with this policy statement in writing but none was provided. Thus the meeting with Mr. Lemus Campos took place in no-contact visiting area with a glass partition and phone receiver. This meeting was not private as GEO guards were in the same room within earshot, making Mr. Lemus Campos visibly afraid to disclose information. Attorney Turk advised the guards that Mr. Lemus Campos was entitled to conduct meetings with legal counsel in private, but these requests were ignored.

Mr. Rivera Martinez and Mr. Lemus Campos were also threatened, that if they did not cease their hunger strike they would be sent to detention centers in other states. This threat to transfer Salvadoran asylum seekers out-of-state, away from counsel, is *also* an *Orantes* violation.

*Orantes* is clear. As Salvadoran asylum seekers, Mr. Lemus Campos and Mr. Rivera Martinez are *entitled* to conduct attorney-client meetings with legal counsel in a setting which ensures the *confidentiality* of those communications. That Mr. Rivera Martinez was under medical quarantine, which was *conveniently* imposed following the beating, still does not excuse the facility of its obligation to comply with *Orantes*. Further, that Mr. Lemus Campos is under a



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disciplinary sanction, the appropriateness of itself which is dubious, should not impact his rights under the clearly established parameters of *Orantes*. The burden is upon ICE and the facility to make arrangements that ensure compliance with *Orantes*.

*Investigation & Action Steps Requested*

Mr. Lemus Campos and Mr. Rivera Martinez request an immediate investigation into this savage assault of defenseless asylum seekers detained at the Adelanto Detention Facility. They further request that the GEO guards responsible be immediately terminated. They request that the ICE officers who failed to take action be disciplined, and that record of such disciplinary action be clearly noted in their personnel files.

Counsel further requests that Mr. Lemus Campos and Mr. Rivera Martinez be released immediately on humanitarian parole. Both Mr. Lemus Campos and Mr. Rivera Martinez have passed their credible fear interview, an interview they would not have otherwise had but for the last minute intervention of counsel, after *all* of the Border Patrol and ICE officers with whom the pair interacted *refused* to refer them for a credible fear interview. Despite the fact that both men repeatedly expressed that they were seeking asylum, officers ignored them, forcing them onto a plane to be deported, removing them from the plane *only after* learning that counsel had submitted her G-28 Notice of Attorney Representation.

The dramatic irony here is that these men *fled* El Salvador to escape violence, persecution, and the official corruption which allows such social epidemics to continue. They fled to the United States because it is believed that the United States is a nation where the rule of law can be trusted. However, what Mr. Lemus Campos and Mr. Rivera Martinez could not have anticipated was that here, guards, on the payroll of the U.S. government, would be permitted to abuse them, and that they would be tortured. The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, defines torture as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as...punishing him for an act he...has committed.... [and] when such pain or suffering is inflicted by...or with the consent or acquiescence of a public official or other person acting in an official capacity.”

Here, nine asylum seekers drafted a letter, and tried to present it to officials who refused to read it. GEO guards, contracted by ICE, brutalized the men, for the offense of remaining seated. The guards gouged and bruised Mr. Rivera Martinez’s arms and torso, smashed his head into a concrete wall, knocked out his crown and tooth, and broke his nose. The guards doused the men

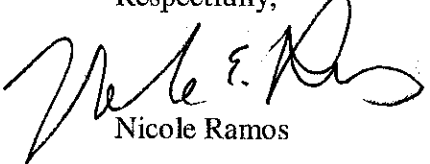
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in pepper spray, forced them to shower in hot water to increase their pain, and then laughed at them as they writhed helplessly. The guards continue to torture the men, refusing to provide medical treatment and cutting off their access to the complaint forms, the *only* avenue through which they can take action against the guards responsible for their attack. The failure to immediately investigate this matter *is* official acquiescence in the face of torture. Counsel urges this office to investigate, and take swift action to protect Mr. Lemus Campos, Mr. Rivera Martinez, and the other seven members of the Adelanto 9.

Respectfully,

A handwritten signature in black ink, appearing to read "Nicole E. Ramos", written over the printed name.

Nicole Ramos

# EXHIBIT 7



# MEDICAL REPORT ON INJURIES/NON-INJURIES

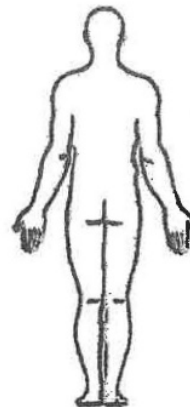
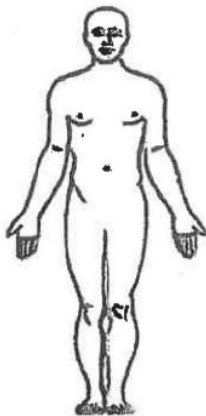
Last Name: Barahona-Cornejo First Name: Julio  
 Date of Birth: [REDACTED] Detainee A Number: 21308 11651  
 Date of Incident: 6/12/17 Time: 0630 Location: E2C 184  
 Was it necessary to notify physician/provider? ☐ Yes ☒ No Time Notified: NA  
 Name of Physician/Provider NA ☒ Use of Force  
 Type of Incident: ☒ Fighting Other: OC spray

Explain: VS: BP 150/88, SPO2 100%, HR 119.  
Small abrasion on @ abd, @ elbow. No clt pain. Denied  
any injury.

Injuries/Non-Injuries: \_\_\_\_\_  
 Head Area Examined: \_\_\_\_\_ ☐ Deferred  
 Face Area Examined: \_\_\_\_\_ ☐ Deferred  
 Chest Area Examined: \_\_\_\_\_ ☐ Deferred  
 Back Area Examined: \_\_\_\_\_ ☐ Deferred  
 Arms Area Examined: \_\_\_\_\_ ☐ Deferred  
 Legs Area Examined: \_\_\_\_\_ ☐ Deferred

Illustrate on the diagram position or place of injury, if any:

THIS INJURY IS: (CIRCLE ONE)  
 REPORTABLE NON-REPORTABLE



Date of Exam: 6/12/17 Time: 0940 Signature/Stamp: [Signature] S. Jones LVN





# MEDICAL REPORT ON INJURIES/NON-INJURIES

Last Name: Lopez-Castillo First Name: Isaac  
 Date of Birth: [REDACTED] Detainee A Number: 213081003  
 Date of Incident: 6/12/17 Time: 0630 Location: E2C524

Was it necessary to notify physician/provider? ☐ Yes ☒ No Time Notified: NA

Name of Physician/Provider NA ☒ Use of Force

Type of Incident: ☒ Fighting

Other: OC spray

Explain: VS: 129/81, 93, 20, 99%. Abrasion on (R) forearm, CD neck. No acute distress. No injury to report.

Injuries/Non-Injuries: none

Head Area Examined: ☐ Deferred

Face Area Examined: ☐ Deferred

Chest Area Examined: ☐ Deferred

Back Area Examined: ☐ Deferred

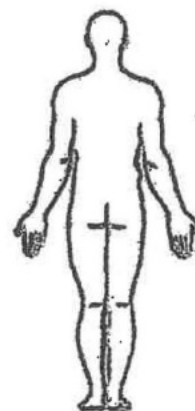
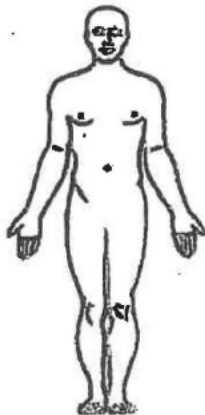
Arms Area Examined: ☐ Deferred

Legs Area Examined: ☐ Deferred

Illustrate on the diagram position or place of injury, if any:

THIS INJURY IS: (CIRCLE ONE)

REPORTABLE NON-REPORTABLE



Date of Exam: 6/12/17 Time: 0900

Signature/Stamp [Signature] S. Jones LVN

GEO 01055





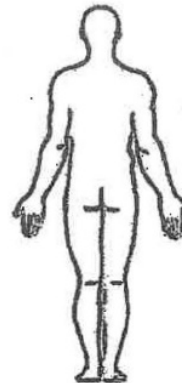
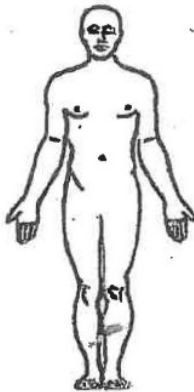
# MEDICAL REPORT ON INJURIES/NON-INJURIES

Last Name: Rivera Martinez First Name: Idmar  
 Date of Birth: [REDACTED] Detainee A Number: 213081049  
 Date of Incident: 6/12/17 Time: 0630 Location: E2C1L  
 Was it necessary to notify physician/provider? ☒ Yes ☒ No Time Notified: \_\_\_\_\_  
 Name of Physician/Provider: Dr. Medrano ☒ Use of Force  
 Type of Incident: ☒ Fighting Other: OC Spray  
 Explain:  
Crown knocked out on @ upper teeth, c/o @ shoulder pain  
NO distress noted.  
0/10 pain, HR: 93, Resp: 24, SpO2 100%.  
 Injuries/Non-Injuries: Crown dislodged from mouth  
 Head Area Examined: NONE ☐ Deferred  
 Face Area Examined: NONE ☐ Deferred  
 Chest Area Examined: NONE ☐ Deferred  
 Back Area Examined: NONE ☐ Deferred  
 Arms Area Examined: @ Shoulder c/o pain ☐ Deferred  
 Legs Area Examined: NONE ☐ Deferred

Illustrate on the diagram position or place of injury, if any:

THIS INJURY IS: (CIRCLE ONE)

REPORTABLE NON-REPORTABLE



Date of Exam: JUN 12 2017

Time: 0955

Signature/Stamp: [Signature] J. Petersen, RN



# MEDICAL REPORT ON INJURIES/NON-INJURIES

Last Name: Burgos Mejia First Name: Alexander  
 Date of Birth: [REDACTED] Detainee A Number: 213081704  
 Date of Incident: 6/12/17 Time: 0630 Location: E2C 21L

Was it necessary to notify physician/provider? ☐ Yes ☒ No Time Notified: NA

Name of Physician/Provider NA ☒ Use of Force

Type of Incident: ☒ Fighting Other: OC spray

Explain: VS: 148/85, 107, 24, 100%. No injury to report  
no acute distress.  
Arms irritated from OC spray

Injuries/Non-Injuries: NONE

Head Area Examined: ☐ Deferred

Face Area Examined: ☐ Deferred

Chest Area Examined: ☐ Deferred

Back Area Examined: ☐ Deferred

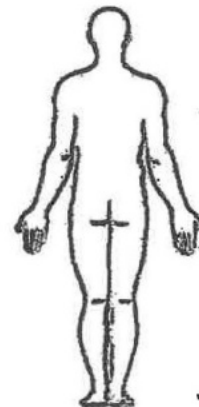
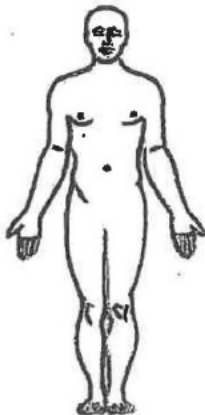
Arms Area Examined: ☐ Deferred

Legs Area Examined: ☐ Deferred

Illustrate on the diagram position or place of injury, if any:

THIS INJURY IS: (CIRCLE ONE)

REPORTABLE NON-REPORTABLE



Date of Exam: 6/12/17 Time: 0900

Signature/Stamp: [Signature] S. Jones LVN



# MEDICAL REPORT ON INJURIES/NON-INJURIES

Last Name: Pena Garcia First Name: Luis

Date of Birth: [REDACTED] Detainee A Number: 213078969

Date of Incident: 6/12/17 Time: 0630 Location: E2C 601

Was it necessary to notify physician/provider? ☐ Yes ☒ No Time Notified: NA

Name of Physician/Provider: NA ☒ Use of Force

Type of Incident: ☒ Fighting Other: OC spray

Explain: VS 134/85, 104, 20, 98%. @ Elbow, @ knee abrasion. Denied pain. No injury to report.

Injuries/Non-Injuries: none

Head Area Examined: ☐ Deferred

Face Area Examined: ☐ Deferred

Chest Area Examined: ☐ Deferred

Back Area Examined: ☐ Deferred

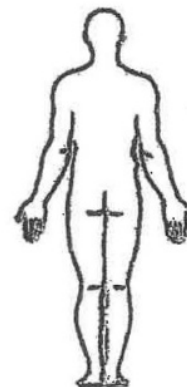
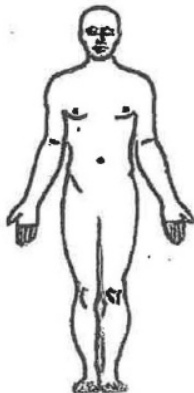
Arms Area Examined: ☐ Deferred

Legs Area Examined: ☐ Deferred

Illustrate on the diagram position or place of injury, if any:

THIS INJURY IS: (CIRCLE ONE)

REPORTABLE NON-REPORTABLE



Date of Exam: 6/12/17 Time: 0900 Signature/Stamp: [Signature] S. Jones LVN





# MEDICAL REPORT ON INJURIES/NON-INJURIES

Last Name: Grande Rodriguez First Name: marvin  
 Date of Birth: [REDACTED] Detainee A Number: 213077417

Date of Incident: 6/12/17 Time: 0630 Location: E2C33

Was it necessary to notify physician/provider? ☐ Yes ☒ No Time Notified: NA

Name of Physician/Provider NA ☒ Use of Force

Type of Incident: ☒ Fighting Other: OC spray

Explain: VS: 144/72, 105/20, 96%.  
No injury to report. Clear abrasion, no acute distress

Injuries/Non-Injuries: none

Head Area Examined: [diagonal line] ☐ Deferred

Face Area Examined: [diagonal line] ☐ Deferred

Chest Area Examined: [diagonal line] ☐ Deferred

Back Area Examined: [diagonal line] ☐ Deferred

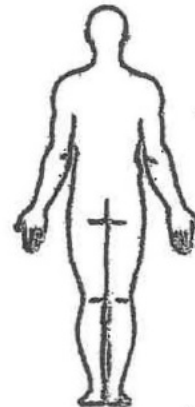
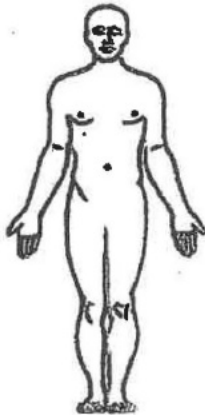
Arms Area Examined: [diagonal line] ☐ Deferred

Legs Area Examined: [diagonal line] ☐ Deferred

Illustrate on the diagram position or place of injury, if any:

THIS INJURY IS: (CIRCLE ONE)

REPORTABLE NON-REPORTABLE



Date of Exam: 6/12/17 Time: 0900 Signature/Stamp: [Signature] Jones LVN



## MEDICAL REPORT ON INJURIES/NON-INJURIES

Last Name: Cortez Diaz First Name: Jose  
 Date of Birth: [REDACTED] Detainee A Number: 2130789103  
 Date of Incident: 6/12/17 Time: 0630 Location: E2C23L  
 Was it necessary to notify physician/provider? ☐ Yes ☒ No Time Notified: NA  
 Name of Physician/Provider NA ☒ Use of Force  
 Type of Incident: ☒ Fighting Other: OC-spray

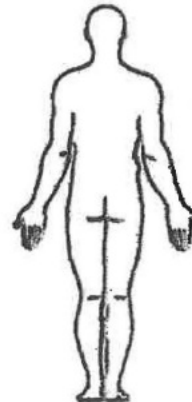
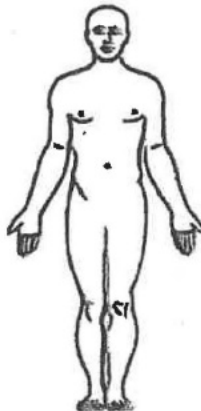
Explain: VS: 172/98, 128, SpO2-100%, R-24 No injury noted  
Denied pain.

Rear abrasion

Injuries/Non-Injuries: NONE  
 Head Area Examined: NONE ☐ Deferred  
 Face Area Examined: Rear neck abrasion ☐ Deferred  
 Chest Area Examined: none ☐ Deferred  
 Back Area Examined: none ☐ Deferred  
 Arms Area Examined: none ☐ Deferred  
 Legs Area Examined: none ☐ Deferred

Illustrate on the diagram position or place of injury, if any:

THIS INJURY IS: (CIRCLE ONE)  
 REPORTABLE ☐ NON-REPORTABLE ☒



Date of Exam: 6/12/17 Time: 0900 Signature/Stamp: [Signature] S. Jones LVN



## MEDICAL REPORT ON INJURIES/NON-INJURIES

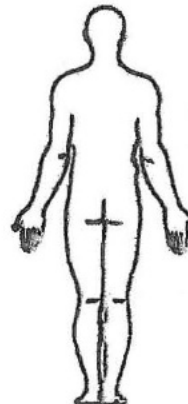
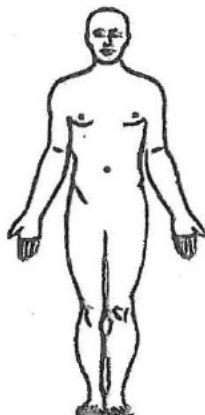
Last Name: Lemus Campos First Name: Josue  
 Date of Birth: [REDACTED] Detainee A Number: 213078945  
 Date of Incident: 6/12/17 Time: 0030 Location: E2C 38U  
 Was it necessary to notify physician/provider? ☐ Yes ☒ No Time Notified: NA  
 Name of Physician/Provider NA ☒ Use of Force  
 Type of Incident: ☒ Fighting Other: OC spray

Explain: VS 185/99, 124, 24, 100% c/o burning on skin  
R/T OC spray. no acute distress noted. denied pain

Injuries/Non-Injuries: none  
 Head Area Examined: none ☐ Deferred  
 Face Area Examined: none ☐ Deferred  
 Chest Area Examined: none ☐ Deferred  
 Back Area Examined: none ☐ Deferred  
 Arms Area Examined: none ☐ Deferred  
 Legs Area Examined: none ☐ Deferred

Illustrate on the diagram position or place of injury, if any:


THIS INJURY IS: (CIRCLE ONE)  
 REPORTABLE NON-REPORTABLE



Date of Exam: 6/12/17 Time: 0900 Signature/Stamp: [Signature] S. Jones LVN



# EXHIBIT 8

 <b>RESTRICTED</b>	<p>Adelanto ICE Processing Center</p> <p><b>EMERGENCY PLANS MANUAL HUNGER STRIKE RESPONSE PLAN</b></p>	<p><b>PLAN #15</b></p> <p><b>EFFECTIVE: 09/25/2017</b></p>
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## I. GENERAL SECTION

In the event of an identified emergency the following actions will take place in addition to more specific detail found in the contingency specific section.

- First responding will immediately report to the affected area/situation and attempt to defuse or control the situation.
- The Shift Supervisor will immediately respond to assess the situation and evaluate the need for additional responders.
- Notifications will be made to command staff/ICE utilizing the roster for the specific emergency.
- In the event the primary route to the facility is impassable a secondary route will be used.
- The Medical department will be contacted for a list of detainees with special needs and procedures to be utilized in the event their internal or external movement is needed.
- In the event neighbors residing in close proximity to the facility must be notified of an emergency situation, the facility's Rapid Notify system will be activated.

## II. OPERATIONAL OBJECTIVE

To have a plan that enables staff to work towards preventing unrest and maintain safety and security due to a mass hunger strike by detainees.

Emergency plans are located in the following areas: Master Control Centers (East and West), Incident Command Center (Adelanto-East Administrations Conference Room), Deputy Administrator office and the Facility Administrator's office.

In the event emergency assistance is requested by another ICE/DRO facility, the Adelanto ICE Processing Center in cooperation with the requesting facility and ICE will determine the specific aid needed. Local resources to include supplies, transportation, temporary housing, personnel, and/or TDY staff will be evaluated and dispatched as necessary.


## III. OPERATING PROCEDURE

### A. Proactive Response

1. All staff will be expected to quickly identify any detainee(s) who may use a hunger strike to resolve personal issues.
2. Intelligence indicating the possibility or threat of a hunger strike will be passed on to the Facility Administrator and Health Service staff immediately.
3. The detainee(s) involved will be interviewed to verify that the report is legitimate

**This plan is confidential. Unauthorized plan disclosure is prohibited.**

- 1 -

 <b>RESTRICTED</b>	<p align="center"><b>Adelanto ICE Processing Center</b></p> <p align="center"><b>EMERGENCY PLANS MANUAL</b>  <b>HUNGER STRIKE RESPONSE PLAN</b></p>	<p align="center"><b>PLAN #15</b></p> <p align="center"><b>EFFECTIVE:</b>  <b>09/25/2017</b></p>
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and if so, to determine the motivation for the hunger strike.

4. Security staff will evaluate the need to isolate the detainee(s) in question to eliminate the possibility of others joining in or becoming involved.
5. Health Services staff will evaluate the medical status of the detainee(s) in question to determine the health risks if the individual(s) does in fact refuse to eat for an extended period of time.
6. Staff will attempt to resolve the motivating issues before the hunger strike takes place or minimize the duration of the hunger strike.
7. The response to a hunger strike will be carefully measured to insure that detainees do not see a hunger strike or the threat of a hunger strike as a legitimate way of resolving issues with facility staff.

**B. Initial Response**


1. Upon discovery of a hunger strike in progress, the on-duty Shift Supervisor will make the following notifications in the following order:
  - a. Facility Administrator
  - b. Deputy Administrator
  - c. AFA-Security
  - d. Chief of Security
  - e. All on-duty staff to include medical response
  - f. Health Services Administrator (HSA)

In the event that off-duty personnel are needed, the facility has an emergency recall system which is an automated call-up system. This auto-dialer system will alert staff that their presence is required at the facility due to an emergency.

2. Staff will interview detainees who may have information concerning the food strike to identify the following issues:
  - a. Determine the identity of the detainee(s) involved.
  - b. Identify detainee(s) having close ties to the participant(s), (i.e. fellow inmate workers, etc.), for questioning.
  - c. Identify ring leaders or the individual who organized the activity (if it is a group hunger strike).
  - d. Determine the claimed or underlying reasons for the hunger strike.
  - e. Determine the length of time it has been in progress.
3. Information gathered during these interviews will be submitted to the Facility Administrator, HSA and senior Security supervisors.
4. A report of the incident will be passed through the Regional office to the Corporate Headquarters Operations and Health Services.

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- 2 -

 <b>RESTRICTED</b>	<p align="center"><b>Adelanto ICE Processing Center</b></p> <p align="center"><b>EMERGENCY PLANS MANUAL</b></p> <p align="center"><b>HUNGER STRIKE RESPONSE PLAN</b></p>	<p align="center"><b>PLAN #15</b></p> <p align="center"><b>EFFECTIVE:</b> <b>09/25/2017</b></p>
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5. The Facility Administrator or designee will meet with both Security and Health Services personnel to determine a plan of action.
6. The Facility Administrator will arrange a negotiation session with key leaders of the strike. Only the Facility Administrator or the Contracting Officer's Representative (COR) can make any commitments or promises during negotiations.
7. The participant(s) will be isolated from general population if possible in order to prevent the strike from spreading to other non-involved detainees.
  - a. The participants will be placed in the special medical in order to adequately monitor food intake and with the approval of the HSA. The HSA will take into consideration the individual medical needs of the detainees.
  - b. If the number of participants is too large to be housed in the medical unit. The Shift Supervisor will take the following actions:
    - 1) Instruct Security staff to remove all food items from the affected housing unit(s).
    - 2) Make the affected housing unit(s) a constant post and instruct the assigned Officer to make 15-minute entries in the permanent logbook.
    - 3) Treat the affected housing unit(s) as a segregated area.
    - 4) A second security staff member will be assigned to the effected unit(s).
8. Ensure that meals are offered at regularly scheduled meal times.
9. Assign an Officer the responsibility of recording which detainees are accepting meals in the logbook.
10. Officers offering the meals will submit a General Incident Report after each meal. The Officer will list the detainees who refused the meal, the total number of meals missed and the number of days the detainee has been on a hunger strike. The report will be distributed in accordance with the Policy and Procedures on Incident Reports.
11. Verify with the Business Office the number of participants that purchased food items and the quantity of items purchased. Specific purchasers and amounts purchased listed by dorm location.
12. The participant(s) will be reviewed by Health Services personnel on a daily basis to assess nutritional status and obtain a weight and/or urine specimen for analysis.
13. In the event that the hunger strike is of long duration (over 72 hours), nine consecutive missed meals and/or the HSA determines that the health of the participants could be affected, the Security staff will follow Medical department's directives. If a detainee's health deteriorates serious, the individual will be transferred to an appropriate medical facility.

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**C. Post Emergency Procedures**

- Segregating detainees involved in the incident (if applicable)
  - Collect all written reports
  - Seize, document, and preserve evidence
  - Accountability (especially for staff, detainees, and sensitive equipment)
  - Damage assessment and repair
  - Injury treatment and documentation
  - Coordinating legal actions/prosecutions
  - Debriefing of staff involved and follow-up for additional analysis and implications for changes in policy or procedures
  - General review and critique of the emergency operations and management with a follow-up agenda including but not limited to monitoring the facility climate and revising the emergency plan
1. A Serious Incident Report will be sent through the Regional Office to the Corporate Headquarters Operations staff, pursuant to Policy and Procedure.
  2. The COTR will be notified pursuant to contractual requirements.
  3. All staff that participated in the emergency response will be required to write a detailed report, prior to leaving the facility.
  4. On-site management staff will conduct a preliminary out-briefing with those staff members who participated in the response, prior to their departure from the facility.
  5. An initial report will be sent to the Corporate Headquarters Operations within twenty-four (24) hours.
  6. A final report will be submitted to Corporate Headquarters Operations within five (5) working days after the incident.
  7. This report will be used to conduct a final out-briefing with staff and the COTR.

**Unauthorized disclosure of this emergency plan is prohibited. Staff may not discuss any aspect of a plan within the hearing of a detainee, visitor, or anyone else permitted access to the plan.**

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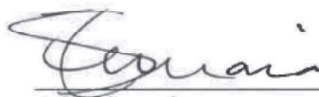
- 4 -

 <b>RESTRICTED</b>	<b>Adelanto ICE Processing Center</b>  <b>EMERGENCY PLANS MANUAL HUNGER STRIKE RESPONSE PLAN</b>	<b>PLAN #15</b>  <b>EFFECTIVE: 09/25/2017</b>
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**THIS EMERGENCY PLAN WILL BE REVIEWED AT LEAST ANNUALLY AND UPDATED AS  
NEEDED.**

**QUESTIONS/SUGGESTIONS REGARDING THIS EMERGENCY PLAN SHALL BE ADDRESSED TO  
THE AFA-SECURITY.**

  
Facility Administrator

  
AFA-Security

**EFFECTIVE: September 25, 2017**

Reviewed & Revised: September 2011  
Reviewed & Revised: June 2012  
Reviewed: April 2013  
Reviewed: July 2013  
Reviewed & Revised: August 2014  
Reviewed: September 2015  
Reviewed: September 2016  
Reviewed & Revised: September 25, 2017  
Reviewed: January 2018

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- 5 -

**CONFIDENTIAL  
SUBJECT TO PROTECTIVE ORDER**

**GEO 02014**



# EXHIBIT 9

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

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)  
OMAR ARNOLDO RIVERA MARTINEZ, )  
et al., )  
)  
Plaintiffs, )  
)  
vs. ) No.  
5:18-cv-01125-R-GJS  
THE GEO GROUP, INC., et al., )  
)  
Defendants. )  
-----)

DEPOSITION OF BARRY BELT  
Ontario, California  
Thursday, August 1, 2019

Reported by:  
RENEE A. PACHECO, RPR, CLR  
CSR No. 11564  
Job No. 3464725  
PAGES 1 - 80

1 A I did not.

2 Q Did you meet with your counsel to prepare for  
3 this deposition today?

4 A A week or two ago, three weeks; something like  
5 that.

6 Q For how long did you meet?

7 A Maybe 20 minutes if that.

8 Q And that was --

9 A Rough estimate.

10 Q And that was the only time you met?

11 A Yes.

12 Q Okay. Did you speak to any witnesses or  
13 individuals involved in the incident that took place on  
14 June 12th, 2017?

15 A I did not.

16 Q Other than your attorney have you discussed  
17 this case with anyone else?

18 A No.

19 Q Okay. So I'm going to start off just asking  
20 about your employment history. Is GEO your current  
21 employer right now?

22 A It is.

23 Q And how long have you been with GEO?

24 A Since January of 2014.

25 Q And what is your current title?

1           A    Security threat groups investigator,  
2           intelligence investigator, and office of professional  
3           responsibility investigator.

4           Q    And how long have you had these titles?

5           A    Since July of 2016.

6           Q    What happened was your title prior to that?

7           A    I started with GEO as a shift lieutenant.

8           Q    And you're a shift lieutenant until July of  
9           2016?

10          A    There was a couple months in there where I did  
11          some classification work in intake of new detainees.

12          Q    And since your employment with GEO have you  
13          only worked at the Adelanto Detention Facility?

14          A    Yes.

15          Q    And can you tell me a little bit about your  
16          responsibilities for your current job titles. So  
17          security threat group, what are your responsibilities  
18          under that title?

19          A    The safety and security of all persons on site,  
20          which would include staff, detainees, visitors, other  
21          court personnel attorneys, the investigation of threats  
22          between detainees and against staff and outside protest  
23          threats.

24          Q    What about as investigator or does that overlap  
25          with your security threat group title?

1 A No.

2 Q Can I have you turn to the second page. Do you  
3 see the second paragraph? Does that paragraph reference  
4 you as Lieutenant Belt?

5 A It does.

6 Q And do you do you see the third paragraph, it  
7 says that -- I will represent to you that this is a  
8 letter from a detainee's counsel saying that she tried  
9 to discuss a telephone block with you on her number.

10 And in this letter she states that your  
11 department is within the facility is charged with  
12 authority and responsibility of placing blocks on  
13 detainee telephone accounts.

14 Is that part of your job responsibilities  
15 currently?

16 A To some degree, yes.

17 Q And no one ever provided you with a copy of the  
18 letter prior to today?

19 A Not that I'm aware of, no. In fact, I don't  
20 even recall those conversations.

21 Q I'm going to just play something very quickly.

22 (Audio played.)

23 BY MS. HAROOTUN:

24 Q Was that your voice?

25 A It appears to be. And again, I have no

1 recollection of that call.

2 Q No recollection? Okay.

3 A Absolutely none.

4 Q Okay. And do you know -- you said that your  
5 department though has some responsibility over blocking  
6 telephone numbers. Do you know why you weren't  
7 authorized to discuss a telephone blocking matter?

8 MS. AGUADO: Objection; actually calls for  
9 speculation.

10 THE DEPONENT: I don't know. GEO policy.

11 BY MS. HAROOTUN:

12 Q And do you know if GEO staff had the ability to  
13 block certain numbers at the facility?

14 A General staff. Define that.

15 Q Well, which staff had the authority to block  
16 numbers at the facility?

17 A I am not aware of the full range. I know that  
18 I do.

19 Q You have authority?

20 A Correct. And then, because it's not our  
21 contract, it's managed by ICE and another company, there  
22 was a period of time, and I don't know when, I don't  
23 know the time frame, I don't know how many months it  
24 lasted, but we could not block any numbers locally. And  
25 then all of a sudden we were able to do it again. So I



1 don't know. And I don't know the time frames because I  
2 didn't track those measures.

3 Q So you said at one point the facility was not  
4 able to block local numbers?

5 A Correct.

6 Q And currently the facility has the ability to  
7 block local numbers?

8 A Correct. I don't know if it's all numbers or  
9 just select numbers. I don't know the extent. Again,  
10 it's not my contract. It's not GEO's contract.

11 Q But based on your knowledge you know that it's  
12 local numbers that can be blocked?

13 MS. AGUADO: Misstates his testimony.

14 THE DEPONENT: Can you repeat the question.

15 BY MS. HAROOTUN:

16 Q Based on your knowledge you know that local  
17 numbers can currently be blocked; correct?

18 A Yes. There are numbers that can be blocked  
19 from -- locally from the facility.

20 Q Okay. Is there any training or policy that the  
21 GEO Group has on this on the ability to block telephone  
22 numbers at Adelanto?

23 A Not that I'm aware of, no.

24 Q Do you know what the method is for blocking  
25 calls?

1 A Yes.

2 Q How does one block a call?

3 A It -- the number appears on the screen,  
4 whatever number it happens to be. And it allows the  
5 user to either select block or the details of that  
6 particular number, which would include call history and  
7 things like that. If a number is already blocked then  
8 the option would allow you to unblock it.

9 Q And under what circumstances is a GEO staff  
10 member permitted to block numbers at the facility?

11 A Again, I can't speak for regular staff.

12 Q Or what is -- under what circumstances are you  
13 permitted to block a number?

14 A Security threats to the facility or staff or  
15 detainees.

16 Q Do you know where the screen is that appears  
17 with the block -- that has the block numbers, you  
18 mentioned a screen before?

19 A It's within the program. I'm not sure what  
20 you're asking.

21 Q You said there's a screen that appears with a  
22 number and the call history?

23 A It's all contained within the program that is  
24 managed by this other company, third-party company.

25 Q What's the name of that company?

1 A Talton.

2 Q Okay. And do you know what program it is?

3 A I don't.

4 Q So sorry. Can I ask you again. Under what  
5 circumstances would you be permitted to block calls to a  
6 certain number?

7 MS. AGUADO: Asked and answered, but go ahead  
8 and repeat.

9 THE DEPONENT: Under threats to the facility,  
10 staff members, or detainees.

11 BY MS. HAROOTUN:

12 Q And what's an example of a threat to the  
13 facility staff member or detainee?

14 A Incoming calls stating specific threats or  
15 staff members receiving harassing phone numbers from a  
16 number that I would have access to. And certainly  
17 detainees sometimes write to me and want numbers blocked  
18 because they're getting harassed by a family member,  
19 ex-family member, significant other, whatever.

20 Q Is there any other circumstances where you  
21 would block a number that wouldn't be threat-related and  
22 also a request by a detainee?

23 A Under ICE direction.

24 Q Do you know under what circumstances typically  
25 ICE directs you to block a number?

1 Q Where are those -- you said there's a screen,  
2 correct, where you see the blocking?

3 A Yes.

4 Q And where are those screens located in the  
5 facility?

6 A Generally in my office it looks much like that  
7 one there.

8 Q So just a regular computer and it's in your  
9 office?

10 A That's one location I can access it, yes.

11 Q Okay. Is there any other location you can  
12 access?

13 A Anywhere within the facility I log in.

14 Q Okay. And where are computers located in the  
15 facility?

16 A I don't know the host of them. I'm not MIS.

17 Q Okay. Do you know how detainees are given  
18 instructions on how to operate the phone system?

19 A My understanding is it's in their detainee  
20 handbook.

21 Q And have you ever seen copies of a sheet that  
22 detainees are asked to sign when they enter the facility  
23 that says they are not allowed to make three-way calls?

24 A I don't recall the sheet. I know that it's  
25 explained that they cannot make three-way calls or

1 Go ahead.

2 THE DEPONENT: I have no idea.

3 BY MS. HAROOTUN:

4 Q And is it your understanding that there's some  
5 way for the facility to monitor whether a party on the  
6 other end of the line calls someone else?

7 A Yes.

8 Q Do you know how they monitor that?

9 A Yeah, I listen to the phone call.

10 Q So that's the only way you would find out?

11 A That's the only way I'm aware of. I would  
12 listen to the connection of the other party on the line  
13 or the digits in the facilitator's phone being dialed  
14 into that other phone link.

15 Q What if the detainee was on a call with an  
16 attorney and the attorney conferenced in someone, would  
17 that call be monitored if the detainee was on a call  
18 with an attorney?

19 A We don't monitor attorney calls.

20 Q So if monitoring the call is the only way to  
21 know that someone is on a three-way call would there be  
22 no way of knowing that an attorney call was a conference  
23 call?

24 A From my position, correct. Again I don't  
25 presume to know what Talton does with their business.

1 warden or ICE to go ahead with the block. And they  
2 either concur or don't concur.

3 Q And are these -- the documentation of any  
4 restriction to phone access is that -- where is that  
5 kept? Is that kept in the detainee's file? Is it kept  
6 in some other system?

7 A It would be a copy of it or the original would  
8 be in my office.

9 Q So your office has all the documentation?

10 A No. I can't say -- again, "always" and "never"  
11 are loaded terms. I can't use those.

12 Q But typically when there's documentation of any  
13 restriction to a call?

14 A No. I can't even say that. Again, I don't  
15 presume to know why other people do or don't do things.  
16 I can only speak for myself.

17 Q So all your own documentation is in your  
18 office?

19 A There should be a copy in my office.

20 Q Okay. And it says here that even if a detainee  
21 is under or within a special management unit their  
22 telephone access for legal calls, courts, government  
23 offices and embassies or consulates shall not be denied;  
24 is that right?

25 A Correct.

1           Q    So under any circumstance would a detainee not  
2   be prevented from contacting his or her attorney?

3           A    A lot of double negatives in there. Can you  
4   restate that?

5           Q    Sure. Well, under any circumstance would a  
6   detainee be prevented from contacting his or her  
7   attorney, under any circumstance?

8           A    If the ICE -- I would guess if the attorney is  
9   complicit in the safety and security issues at the  
10   facility or in some kind of criminal endeavor then that  
11   would be a cause to restrict that access because the  
12   attorney would not be working in the interest of the  
13   court for that purposes.

14          Q    How do you determine whether an attorney is  
15   complicit?

16          A    I usually don't. Talton does a lot of that.  
17   If it's a situation where Talton already knows that it's  
18   an attorney's office those are pre unrecorded. Talton  
19   does not record numbers that they know to be attorney's  
20   offices or connected to attorneys. So I wouldn't know  
21   because there would be no recording.

22                Aside from that I would have to know that it  
23   was, in fact, an attorney -- not just an attorney.  
24   There are many different types of attorneys, but the  
25   attorney was working on behalf of the detainee and

1 earlier today, you don't recall whether that concerned  
2 an internal protest and whether that could have been the  
3 basis for blocking the phone number?

4 A No. I have no independent recollection of the  
5 call, the substance of the call, or if and why numbers  
6 were or were not blocked. I don't know.

7 Q Was it your understanding that you were  
8 authorized to discuss the blocking of calls?

9 A My understanding from my facility is that we  
10 discussed nothing and route everything through ICE.  
11 They're our client. They're the ones authorized to make  
12 comments and answer questions related to detainee care  
13 and issues with the facility, all that. Or somebody  
14 within the regional or corporate office. It's not my  
15 place to comment on anything.

16 Q You said that you're one of the people within  
17 the facility that blocks numbers; correct?

18 A Correct.

19 Q And who else can block numbers? Under what job  
20 title do you have the ability to block numbers?

21 A Again, I think I've answered that. I don't  
22 know.

23 Q You don't know?

24 A I don't know who would have that ability and  
25 who would not.



1 that they facilitate timing, dating, and the  
2 expansiveness or inclusion of certain areas in that  
3 hunger strike, if it's a hunger strike.

4 Q And that circumstance their numbers would be --  
5 they would have numbers associated with them blocked?

6 A I can't speak for all circumstances, but that  
7 would be a reasoning.

8 Q So it would just be, if they were coordinating  
9 a hunger strike, that would be grounds for blocking  
10 numbers?

11 A That could possibly be one. And again, ICE  
12 makes a determination on their own accord. I don't  
13 speak for ICE.

14 Q But the GEO facility -- but the facility in  
15 this case and GEO's policies, under those policies?

16 A That could be a reasoning. Whether it occurred  
17 or not, I don't know. I work directly for the facility  
18 administrator. He makes directions based on his accord.  
19 I don't presume to question his judgment on things. And  
20 ICE, I know that he coordinates with ICE. And they make  
21 directions on their accord. I don't speak for either  
22 one of them. I simply carry out their directives.

23 Q So are there any other people in the threat  
24 group that you're a part of, the security threat group?

25 A Assigned to my position or similar type of

1 BY MS. HAROOTUN:

2 Q But do you remember receiving any training on  
3 the First Amendment while you were working with GEO  
4 Group, you yourself?

5 A Just what I've explained already. I've been  
6 pre-service and in-service.

7 Q So you remember receiving that training?

8 A I remember that an area of topic is in those  
9 areas, yeah. Do I remember the specifics of that  
10 training, no. Again, I don't teach that course.

11 Q And who is the facility administrator?

12 A Mr. Janica.

13 Q And do you remember anything about the incident  
14 in this case, the one that took place on June 12th,  
15 2017?

16 A No.

17 Q And do you know if you were responsible for  
18 blocking any number related to the detainees in this  
19 case?

20 A I do not.

21 MS. AGUADO: Assumes facts and lacks foundation  
22 about any numbers that were blocked.

23 Go ahead.

24 THE DEPONENT: Yeah. Again, I don't know if  
25 detainee's numbers were blocked in this incident. I

1 conclusion.

2 THE DEPONENT: I have no idea. I'm not a  
3 constitutional scholar, nor am I medical personnel that  
4 would be able to judge their medical health or being  
5 able to do that.

6 BY MS. HAROOTUN:

7 Q So if a detainee is deprived of any usually  
8 authorized items or activity is a report of the action  
9 forwarded to the facility administrator?

10 A Define "deprived."

11 Q So restricted phone access or blocking of  
12 numbers?

13 A Generally speaking, yes. Can I speak for all  
14 individuals, no.

15 Q But you will report it to the facility  
16 administrator?

17 A I would ask for permission, authorization to do  
18 that generally speaking.

19 Q And is that done as a report to the  
20 administrator or just orally? How is that communicated?

21 MS. AGUADO: Asked and answered. But go ahead.

22 THE DEPONENT: Yeah. It would be a written  
23 memo, maybe verbal. There's different ways a message  
24 can be transmitted.

25 ///

1 BY MS. HAROOTUN:

2 Q If it's verbal is there still a record made?

3 A I don't know. I can't speak for the facility  
4 administrator or whoever else might verbally authorize  
5 it. I know that ICE generally does not provide any  
6 written reports.

7 Q So what information do you give the  
8 administrator when you, let's say want to block a  
9 number?

10 A It would be the reasoning for or the necessity  
11 for identifying the issues posed by the continued phone  
12 calls, things of that nature. Again, there's a list of  
13 things that could possibly fit in that category. I  
14 can't speak for every single one of them.

15 Q Did the administrator give you any criteria  
16 that you have to meet?

17 MS. AGUADO: To block a call?

18 MS. HAROOTUN: Yes.

19 MS. AGUADO: Asked and answered several times.  
20 But go ahead.

21 THE DEPONENT: In this instance or in general?

22 BY MS. HAROOTUN:

23 Q What do you mean "in this instance?"

24 A Well, I don't know what you're referring to.

25 Q Just any criteria when -- you know, you said as

1       that is a DHS agent.

2           Q     Is it typically ICE officers that are in the  
3       facility?

4           A     It's all levels.  It's deportation officers.  
5       It's supervisory detention deportation officers.  I see  
6       the officer in charge, formally called the AFOD,  
7       assistant field office director.  I see all levels.  
8       Whether or not I interact with them, sometimes, not  
9       always.

10          Q     And have you had any conversations with them  
11       about phone access?

12          A     No.  That's not my job.

13          Q     So how do you decide whether an outside protest  
14       is a threat to the facility?

15          A     I don't decide.  I simply write it up and  
16       present it.

17          Q     You present it to the facility administrator?

18          A     That would be one source, yeah.

19          Q     What's another?

20          A     The assistant and deputy facility  
21       administrators, chief of security.

22          Q     So before any blocking of phone numbers happens  
23       you ses out whether there's that -- there's an outside  
24       protest happening and you maybe say there's a threat,  
25       and then you forward it along to someone else to make

1 detainees on internal hunger strikes. Some of it comes  
2 from monitoring phone calls. Some of it comes from  
3 monitoring written measures from detainees. There's a  
4 number of different sources. It's all combined and  
5 sorted through and threats are identified or not.

6 Q So do you write up every mention of an outside  
7 protest?

8 A I notify the warden, the facility  
9 administrator, and -- well, pretty much from the chief  
10 of security up and the captains if I have knowledge of a  
11 protest that's going to occur. Sometimes I'll hear it  
12 from outside law enforcement. Sometimes I'll hear it  
13 from the detainees. Sometimes I'll hear it from staff,  
14 or social networking, whatever. There's a number of  
15 different sources.

16 Q So are there situations where you're monitoring  
17 a call, you suspect there's some protest happening on  
18 the outside, do you have authority to go ahead and block  
19 that number?

20 MS. AGUADO: It's been asked and answered.

21 Go ahead.

22 THE DEPONENT: It's kind of hypothetical. I'm  
23 not sure.

24 BY MS. HAROOTUN:

25 Q Do you have authority on your own to block a

1 number without getting approved by someone else, such as  
2 the facility administrator or warden?

3 A I suppose I could. I don't. I allow my boss  
4 the courtesy of that knowledge and his decision-making.

5 Q So then either all of the time or most of the  
6 time you wait for your bosses decision on blocking the  
7 number?

8 A I suppose there are circumstances that could  
9 evolve that are emergent in nature that might require  
10 more drastic action. I would not be able to specify  
11 what you are talking about.

12 Q You've never been in a situation where that  
13 happened?

14 A If I know -- I don't recall any situations  
15 hearing them on the phones or anything that have been so  
16 emergent that they're going to happen within the next  
17 five minutes if I don't take some action. Because  
18 usually by the time I get to the phone calls they're  
19 already recorded.

20 And it's a day, a week, or two weeks later when  
21 I hear the call. I don't live monitor as a general  
22 activity. I have a number of duties.

23 Q So can you tell me more about your day-to-day  
24 while we're on that subject.

25 A No. It's very full. It goes in a number of

1 I, the undersigned, a Certified Shorthand  
2 Reporter of the State of California, Registered  
3 Professional Reporter, Certified Live Note Reporter, do  
4 hereby certify:

5 That the foregoing proceedings were taken  
6 before me at the time and place herein set forth; that  
7 any witnesses in the foregoing proceedings, prior to  
8 testifying, were duly sworn; that a record of the  
9 proceedings was made by me using machine shorthand which  
10 was thereafter transcribed under my direction; that the  
11 foregoing transcript is a true record of the testimony  
12 given.

13 Further, that if the foregoing pertains to the  
14 original transcript of a deposition in a Federal Case,  
15 before completion of the proceedings, review of the  
16 transcript [ ] was [ ] was not requested.

17 I further certify I am neither financially interested in  
18 the action nor a relative or employee of any attorney or  
19 party to this action.

20 IN WITNESS WHEREOF, I have this date subscribed  
21 my name.

22 Dated: August 20, 2019

23   
24

25 RENEE A. PACHECO

CSR No. 11564 RPR, CLR



# EXHIBIT 10

IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

OMAR ARNOLDO RIVERA MARTINEZ; )  
ISAAC ANTONIO LOPEZ CASTILLO; )  
JOSUE VLADIMIR CORTEZ DIAZ; JOSUE )  
MATEO LEMUS CAMPOS; MARVIN JOSUE )  
GRANDE RODRIGUEZ; ALEXANDER )  
ANTONIO BURGOS MEJIA; LUIS PENA )  
GARCIA; JULIO CESAR BARAHONA )  
CORNEJO, as individuals, )

Plaintiffs, )

vs. )

THE GEO GROUP, INC., a Florida )  
corporation; THE CITY OF ADELANTO, )  
a municipal entity; GEO LIEUTENANT )  
DURAN, sued in her individual )  
capacity; GEO LIEUTENANT DIAZ, )  
sued in her individual capacity; )  
GEO SERGEANT CAMPOS, sued in his )  
individual capacity; SARAH JONES, )  
sued in her individual capacity; )  
THE UNITED STATES OF AMERICA; and )  
DOES 1-10, individuals, )

Defendants. )  
\_\_\_\_\_)

CASE NO. 5:18-cv-01125-SP

DEPOSITION OF LEO MARVIN MC CUSKER  
ONTARIO, CALIFORNIA  
WEDNESDAY, SEPTEMBER 4, 2019

REPORTED BY:  
Carolyn Ann Peterson  
CSR No. 3195  
Pages 1- 86

Page 1

1           A     Chief of Security.

2           Q     How long were you the Chief of Security at  
3     Adelanto?

4           A     Approximately one year.

5           Q     Before assuming that role, did you work at  
6     Adelanto?

7           A     Yes, I did.

8           Q     In what capacity?

9           A     Captain.

10          Q     How long were you a Captain at Adelanto?

11          A     I believe three years.

12          Q     Prior to becoming a Captain, did you work at  
13     Adelanto?

14          A     Yes, I did.

15          Q     In what capacity?

16          A     As a lieutenant?

17          Q     How long were you a lieutenant at Adelanto  
18     Detention Center?

19          A     It would have been two years.

20          Q     Prior to becoming a lieutenant, did you work  
21     at Adelanto?

22          A     No.

23          Q     Where did you work before starting your role  
24     as a Lieutenant at Adelanto Detention Center?

25          A     I worked for the GEO Group in Phoenix,

1           A     It covers -- I use the word "purpose" of the  
2     OC being sprayed to disorient, to gain compliance, and  
3     to gain those items, the pepper spray's action on the  
4     body is to make it feel the effect of pepper -- or use  
5     the term burning, although it's not literally burning,  
6     but it's actually temporary.

7           Q     You said that the participants in the training  
8     also would themselves be sprayed with the OC spray; is  
9     that right?

10          A     That's correct.

11          Q     They were -- why was that done?

12          A     It's done to educate the user as to what to  
13     expect. The subject in the case of a real time use of  
14     OC, to teach them what it is they are going to expose  
15     this person to, for whatever reason whether or not you  
16     think it's appropriate, because of how the individual  
17     might act. At least now you know what they are going to  
18     experience, so you are better prepared to use it or not  
19     use it.

20          Q     Have you yourself been sprayed with OC spray?

21          A     Yes, I have.

22          Q     I have heard testimony from a bunch of people  
23     about how it feels to them. How did it feel to you?

24          A     It burns.

25          Q     On a scale of zero to 10, where would you rank

1 it?

2 A I would rank it progressively over time  
3 probably eight right now. I factor in a big piece of  
4 psychological into the affect of OC. I know what it's  
5 going to do, so if you were to spray me today, I'm  
6 prepared mentally to know it's going to burn, and I  
7 don't feel as I would 20 years ago when I was first  
8 sprayed, and I see that over time with subjects that are  
9 sprayed and it has no effect on -- or no outward effect.

10 Q So you mean when you were first sprayed, you  
11 didn't know what to expect, you didn't know how long it  
12 was going to last, so the experience was more painful or  
13 traumatic?

14 A Correct. Correct. Your brain is telling you  
15 this is not right, and everything is amplified, whatever  
16 number of times.

17 Q Okay. As part of the lesson, you said that  
18 participants also are taught the decontamination. How  
19 frequently are the participants taught the  
20 decontamination in the lesson?

21 A Well, let me give you the process.

22 Q Thank you.

23 A I'm the participant, I'm going to be sprayed.  
24 I will be sprayed, and then I will have to perform a  
25 series of tasks. I will have to go from Point A to B

1 that have been OC sprayed?

2 A Yes.

3 Q Where are they trained on that decontamination  
4 process?

5 A Training is part of the use-of-force lesson  
6 plan discussing the decontamination as soon as possible  
7 and shower. Water is the preferred method of  
8 decontamination.

9 Q So is it fair to say that every officer that  
10 works at Adelanto would have an understanding of how to  
11 decontaminate someone who has been sprayed with OC  
12 spray?

13 A Yes, it is.

14 Q Do the officers receive any training on the  
15 temperature that the water should be when someone is  
16 being decontaminated?

17 A No, not in this lesson plan.

18 Q Is there any training provided to officers as  
19 to the impact of the water temperature on the sensation  
20 someone feels after being OC sprayed?

21 A No.

22 Q And that's true both in the lesson that is  
23 specific as to OC spray provided to the supervisors and  
24 also in the new-hire service training?

25 A No, the term "cool water" could be used. I



1 would to have read it to see exactly if it says cool  
2 water, but ideally it could can be cool rather, not  
3 required.

4 Q But there's no training on the -- for example,  
5 the effect of hot water on someone who has been OC  
6 sprayed?

7 A No.

8 Q In the pre-service training, are there any  
9 lessons or modules on detainees' constitutional rights?

10 A Yes.

11 Q Can you describe that module or modules?

12 A The module entitled "Detainees' Rights" covers  
13 the 4th Amendment search and seizure, 8th Amendment,  
14 cruel and unusual punishment. It touches on the right  
15 to legal access to courts. I think that's it. 14,  
16 specific to ICE-related topics in the environment at  
17 Adelanto, as opposed to criminal. I think that's what  
18 we cover. Nothing else comes to mind.

19 Q In that module or any of the other trainings,  
20 are officers trained on detainees' rights to contact  
21 their lawyers or communicate with their lawyers?

22 A They are given information that affords the  
23 detainees 24-hour access to phone systems to anyone they  
24 want to call.

25 Q There are times where Adelanto restricts

1           Q     What training is provided to staff at  
2     Adelanto, if any, on how to investigate an incident  
3     involving the use of force?

4           A     The task of investigating a use of force is --  
5     primarily a Captain or a Chief of Security reviews the  
6     documents generated as a result of the use of force.  
7     Documents would include the SIR, a general information  
8     GIR report, but participants, a medical assessment  
9     prepared by the medical people, review the video  
10    available of the incident, correlate all that  
11    information, and present it in a committee forum with  
12    the Captain or Chief of Security, an ICE representative  
13    and a medical representative.

14               All the paperwork is reviewed by those  
15    individuals, and if the video is a factor, the video is  
16    reviewed, a judgment is made as to whether the use of  
17    force was justified or not. That is the intention of  
18    the committee.

19           Q     Among those documents, are there any documents  
20    that contain detainees' statements about what happened  
21    during the use of force?

22           A     No.

23           Q     Is there any training provided to the Captain  
24    or the Chief of Security regarding how to assess the  
25    information that is contained in the SIR, the GIR, the

1           A     It would be situational.  There's nobody  
2     saying you can only mark one, no, you can mark multiple,  
3     yes.

4           Q     Part of the reason I ask that, there are two  
5     boxes on this document that are crossed off the "major  
6     disturbance" and the "minor disturbance" boxes.

7                     Do you see that?

8           A     Yes, I do.

9           Q     Are those your initials next to the lines  
10    crossing out those boxes?

11          A     Yes, they are.

12          Q     Why did you cross off these two boxes?

13          A     The term "disturbance" is the operative word,  
14    if you will.  This incident is certainly considered a  
15    use of force and was ultimately reported as such.  The  
16    term "disturbance" could have a connotation of a riot,  
17    for instance, as a worst case, and it wasn't felt that  
18    that term "disturbance" accurately described the  
19    incident.

20          Q     Where is the term disturbance defined, or if  
21    you are an officer, how do you know what that means?

22          A     Typically, it's discussed amongst the  
23    supervisors, the individuals and possibly administrators  
24    as to the terminology to describe an incident.

25          Q     So is it fair to say that definition of the

1 term sort of varies on a case by case basis? Or what do  
2 you mean?

3 A I don't want to say it would vary. The  
4 incident in it's totality can be just a use-of-force  
5 incident, such as this, with the detainees being pepper  
6 sprayed. If the term disturbance was going to be used,  
7 it very likely would be coined as a disturbance by the  
8 Facility Administrator before it was reported as a  
9 facility disturbance.

10 Q So I guess what I'm trying to understand, is  
11 there a single definition of disturbance, or is it up to  
12 interpretation and ultimately the decision of the  
13 Facility Administrator?

14 A Well, let me -- I don't have an answer. I  
15 can't cite the document that tells us what is or isn't a  
16 disturbance, but there are documents that would identify  
17 certain actions or incidents within the facility that  
18 could be classified as a disturbance.

19 Q Do you know where that document is?

20 A It could be an attachment to the policy on  
21 serious incident reports. I don't know for a fact that  
22 it is.

23 Q Okay. But there is a definition of major  
24 disturbance and minor disturbance?

25 MS. AGUADO: That misstates his testimony. I

1 think he explained something different, but go ahead.

2 THE WITNESS: Well, I said, I can't cite the  
3 actual document, but there is something that says what a  
4 disturbance -- where you cross that threshold.

5 BY MS. STEINBACK:

6 Q Does GEO train its officers on where that  
7 threshold is crossed and what constitutes a disturbance?

8 A No.

9 Q Here did you make the decision ultimately that  
10 it shouldn't be categorized as a major or minor  
11 disturbance?

12 A I don't recall whether I involved any other  
13 persons in that decision, reading it today, I would not  
14 change -- I would leave it as it is. I wouldn't have  
15 changed the disturbance. I would have made the same  
16 decision.

17 Q Sitting here today, you still agree that it  
18 was not a major or minor disturbance?

19 A That is correct.

20 Q What is the purpose of the "Subject" Box?

21 Maybe just to be more clear, so does it matter  
22 whether you mark it as a major disturbance, a minor  
23 disturbance or as here, under "Other use of force"?

24 A It was a matter more in the area of our  
25 categorizing it as an incident for documentation, number



1 spray, is a minor use of force?

2 A No.

3 Q Why not?

4 A The use-of-force criteria states that if OC or  
5 chemical weapons are utilized in use of force, then it's  
6 classified as a major use of force.

7 Q Is everyone in the facility trained on that?

8 A Yes.

9 Q Going further down, in the last box, it  
10 states, "Reason For Use Of Force," and it has a variety  
11 of categories.

12 Do you see that?

13 A Yes.

14 Q And in this document, the first category is  
15 checked, which is "Confrontation avoidance proved  
16 ineffective."

17 Do you see that?

18 A Yes.

19 Q Are staff at Adelanto trained on confrontation  
20 avoidance?

21 A Yes.

22 Q Where do they receive training on  
23 confrontation avoidance?

24 A In the pre-service as a lesson or module. I'm  
25 uncertain if it's in in-service.

1       they are -- the staff are trained in confrontation  
2       avoidance, the reasons for it, and the techniques that  
3       could be used to de-escalate a situation.

4           Q       And was that true in June of 2017 --

5           A       Yes.

6           Q       -- what you just described?

7           A       Yes.

8           Q       In the use-of-force training that has been  
9       marked as Exhibit 2, there is a section on the use of  
10      video cameras and the requirement that video cameras,  
11      if possible, are used to document the force, correct?

12          A       Correct.

13          Q       And just to be clear, that's not an optional  
14      policy, correct?

15          A       That's correct. It's a directive policy that  
16      the cameras be made available to the incident as soon as  
17      practical.

18               MS. STEINBACK: I'm going to hand you what I'm  
19      marking as Exhibit 5.

20                   (Whereupon Exhibit 5 was marked for  
21                   identification by the Court Reporter  
22                   And is attached hereto.)

23               MS. STEINBACK: For the record, I just handed  
24      to the deponent Exhibit 5, Bates-stamped 002238 through  
25      02240.

1           Q     So, for example, what would the discussion --  
2     just looking at the next one, disturbance/riot, what  
3     would the discussion around that have been?

4           A     It's going to be dependent on the instructor,  
5     how the instructor relays personal experiences, for  
6     instance, on disturbance/riot, they are not really  
7     synonymous, although it seems to me they used it in that  
8     context, but there would be, again, an explanation, not  
9     Screen 3, a definition, an explanation of what would be  
10    considered a disturbance or a riot.

11          Q     I know we already discussed disturbance. Is  
12    there a definition of a riot, or what a riot is?

13          A     I don't know that it's written by definition.

14          Q     Is there training on what a riot is or what  
15    staff is supposed to classify what is a riot?

16          A     This training would be that.

17          Q     So the discussion, which can vary depending on  
18    who the instructor is?

19          A     That's possible, yes.

20          Q     Would the same be true for hostage situation?

21          A     We have a class module that is hostage  
22    situations, so it's further defined on its own merit.

23          Q     So of the list here, can you identify for me  
24    which have a further module that helps define what the  
25    situation is, just starting at the top. Is there a

1 further module or training on bomb threat?

2 A No.

3 Q Is there a further module or training on  
4 disturbance/riot?

5 A No.

6 Q Escape?

7 A Yes.

8 Q Hostage situation?

9 A (No audible response.)

10 Q "Yes"?

11 A Yes.

12 Q Hunger strike?

13 A No.

14 Q Work stoppage or other job action?

15 A No.

16 Q Manmade disasters?

17 A No.

18 Q Immediate release of inmates from locked areas  
19 including use of manual backup systems?

20 A No.

21 Q Evacuation of inmates, staff or visitors?

22 A Not a specific module, but it's covered in  
23 other topics, to include emergency situations. We would  
24 discuss that in the disturbance or riot, for instance,  
25 what we are going to do as an after action or during the

1 action try to evacuate.

2 Q Okay. Death?

3 A No.

4 Q Medical emergency?

5 A Medical has modules that discuss Code Blue,  
6 yes.

7 Q All right. Back to -- turning to the next  
8 page is medical emergency. It's my understanding you  
9 are also here to testify on detainee complaints  
10 regarding the showers and water at Adelanto.

11 During your time at Adelanto, have you heard  
12 detainee complaints about the temperature of the water  
13 in the showers?

14 A Yes, I have.

15 Q How recently have you heard those complaints?

16 A Not within the past year. It's difficult to  
17 say. Several months back, I might have heard something  
18 about temperature.

19 Q I know it's very specific to ask -- do you  
20 remember hearing any complaints about the temperature of  
21 the water in the shower in June of 2014?

22 A No, I don't remember that.

23 Q When -- for the incident that you recall, did  
24 you recall hearing any complaints about -- what were the  
25 complaints?

1           A     I have heard both no hot water and hot water  
2     too hot. I have heard both.

3           Q     Have those been in specific areas within the  
4     facility or throughout the facility?

5           A     They would have been in specific areas.

6           Q     Do you remember what specific area you heard  
7     those complaints about?

8           A     I do not.

9           Q     Were those complaints conveyed to you orally  
10    or in writing?

11          A     Orally.

12          Q     Did the detainees come up to report the  
13    complaints, or did you overhear it, for example, if you  
14    were walking through an area in the facility?

15          A     They would have approached me directly during  
16    us casually passing. And that as -- the Captain, in  
17    their eyes, is the guy that fixes everything, that's why  
18    it would even be brought up to me.

19          Q     Okay. When those complaints were made to you,  
20    did you document them anywhere?

21          A     Yes.

22          Q     Where did you document them?

23          A     They are documented in the form of a repair  
24    order request or work order request.

25          Q     Did you follow up to see what happened with



1           Q     And it sounds, as you described it, that was  
2     an issue with more than one staff member.

3           A     It's happened on occasion as to the extreme of  
4     the remedial training over the same two year period of  
5     time, probably half a dozen people have gotten that  
6     training.

7           Q     Are there any other topics that have been the  
8     subject of coaching to more than one individual, like  
9     any other common issues?

10          A     I'm sure there have been, but none come to  
11     mind. Count procedures is one that came to mind because  
12     it's rather significant, even more significant than the  
13     other one I mentioned with the logbook entries.

14                 Logbook entry retraining, somebody putting  
15     their opinion in the logbook rather than just the facts,  
16     not the end-all to the day, but something that needs to  
17     be addressed with the individual.

18          Q     And the reason the count procedure is so  
19     important is because that's the mechanism by which you  
20     ensure that no one has absconded from the facility?

21          A     Correct.

22          Q     Did you communicate in any way with anyone  
23     outside of GEO about the June 12, 2017 hunger strike?

24          A     Anyone outside of GEO?

25          Q     Yes.

1           Q     So your understanding is based on an account  
2     that someone else created to describe what happened that  
3     day?

4           A     Yes.

5           Q     You don't have any firsthand knowledge?

6           A     No.

7           Q     Did you ever go speak to any of the men to  
8     either confirm or dispute their accounts?

9           A     I don't recall talking to any of them.

10          Q     In your experience at Adelanto, how many  
11     hunger strikes, to your knowledge, have been declared?

12          A     I couldn't put a number on it. Many.

13          Q     Can you estimate?

14          A     It's not routine, but it's not uncommon that a  
15     detainee will, as a lever to whatever end, say, "I'm  
16     going on a hunger strike." And that could happen  
17     sometime -- in 12 months, could happen maybe six times.

18          Q     And the reason for declaring the hunger --  
19     strike that.

20                GEO trained its staff to take the declaration  
21     seriously, right?

22          A     Yes.

23          Q     Because there could be serious consequences if  
24     someone goes on a hunger strike?

25          A     There could be.

1 MS. STEINBACK: Back on.

2 Q You previously testified to some retraining  
3 that you do of individual staff following grievances.  
4 And I don't know if I asked this, but in case I didn't,  
5 have there been any changes to the general trainings as  
6 a result of grievances or other detainee complaints?

7 A No.

8 Q Okay. I know we have also discussed some  
9 terms, including disturbance and riot. Another term  
10 that we have seen used is rebellion. Is there a single  
11 definition of what a rebellion is for inmate or detainee  
12 situation?

13 A That term, "rebellion," I have never used it  
14 in my work history.

15 Q In your entire work history?

16 A Right.

17 Q Why is that?

18 A I think the term rebellion is synonymous with  
19 either riot or disturbance and just is not used.

20 To me it's an archaic word.

21 Q Have you ever been in a situation that you  
22 would categorize as a rebellion in your professional  
23 setting?

24 A I likely could have used the word rebellion --  
25 that's the group that were rebelling against the

1 particular meal that they received -- something in that  
2 context, but I have never used the word.

3 Q Okay. I would use the connotation of  
4 rebellion as something slightly more than rebelling  
5 against or expressing distaste for a meal.

6 Would that be fair to say?

7 A It could be. I just don't use it. In  
8 thinking about it, having been asked, I would see a  
9 country rebellion occurring, but not in the context of a  
10 facility detainee or inmate facility, I haven't heard  
11 that.

12 Q Is it fair to say in all the training that you  
13 have both done and sat through, you have not been  
14 trained on rebellions?

15 A When I do that specific course, I use -- I say  
16 the word rebellion. I say disturbance, riot or  
17 rebellion, because it's written on there. I don't  
18 elaborate on it.

19 Q Have you ever seen any officers use the term  
20 rebellion to describe --

21 A Not that I recall.

22 Q You described the grievance process and your  
23 work with the grievance coordinator when you were the  
24 Chief of Security.

25 I just have a few more questions.

REPORTER'S CERTIFICATE

I, CAROLYN ANN PETERSON, Certified Shorthand Reporter, do hereby certify:

That prior to being examined, the witness in the foregoing proceeding was by me duly sworn to testify to the truth, the whole truth, and nothing but the truth.

That said proceedings were taken before me at the time and place therein set forth and were taken down by me stenographically at the time and place therein named and thereafter reduced to computerized transcription under my direction and supervision;

I further certify that I am neither counsel for nor related to any party in said proceedings, nor in any way interested in the outcome thereof.

IN WITNESS WHEREOF, I have hereunto subscribed my name this date: SEPTEMBER 25, 2019.

A handwritten signature in blue ink that reads "Carolyn Ann Peterson". The signature is stylized with a large 'C' and a prominent 'P'.

CAROLYN ANN PETERSON, CSR 3195

# EXHIBIT 11

IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

OMAR ARNOLDO RIVERA MARTINEZ; )  
ISAAC ANTONIO LOPEZ CASTILLO; )  
JOSUE VLADIMIR CORTEZ DIAZ; JOSUE )  
MATEO LEMUS CAMPOS; MARVIN JOSUE )  
GRANDE RODRIGUEZ; ALEXANDER )  
ANTONIO BURGOS MEJIA; LUIS PENA )  
GARCIA; JULIO CESAR BARAHONA )  
CORNEJO, as individuals, )

Plaintiffs, )

CASE NO. 5:18-cv-01125-SP

vs. )

THE GEO GROUP, INC., a Florida )  
corporation; THE CITY OF ADELANTO, )  
a municipal entity; GEO LIEUTENANT )  
DURAN, sued in her individual )  
capacity; GEO LIEUTENANT DIAZ, )  
sued in her individual capacity; )  
GEO SERGEANT CAMPOS, sued in his )  
individual capacity; SARAH JONES, )  
sued in her individual capacity; )  
THE UNITED STATES OF AMERICA; and )  
DOES 1-10, individuals, )

Defendants. )

DEPOSITION OF JAMES JANECKA  
ONTARIO, CALIFORNIA  
WEDNESDAY, SEPTEMBER 4, 2019

REPORTED BY:  
Carolyn Ann Peterson  
CSR No. 3195  
Pages 1- 112



1 whole facility or just portions of it?

2 A Portions at a time.

3 Q How did you decide where to walk through when  
4 you would do your walk-through?

5 A It depends where I was at the time. Just try  
6 to hit different areas, living areas and different  
7 departments on different days.

8 Q When you did a walk-through, would you carry  
9 any kind of notebook or material with you so you can  
10 document if someone told you something you want to  
11 remember?

12 A Sometimes carried little three-by-five cards.

13 Q Just cards?

14 A Yes.

15 Q Yes?

16 A Yes.

17 Q During those walk-throughs in June of 2017, if  
18 a detainee did make a complaint to you verbally, would  
19 you document it?

20 A Not necessarily.

21 Q How would you make the decision in June of  
22 2007 whether or not to document a complaint that a  
23 detainee made to you?

24 A It would be if it was an urgent matter, if it  
25 was something that was what I would consider a serious

1 matter versus something that could easily be taken care  
2 of right on the spot.

3 Q What would you do with the information that  
4 the detainees gave you when they made their complaints  
5 to you?

6 A If it was something that a certain department  
7 needed to maybe give me some information or provide to  
8 the detainee, I would contact that department or that  
9 individual.

10 Q How would you contact them telephonically,  
11 e-mail, some other way?

12 A Majority is telephonically.

13 Q So there were telephones at Adelanto?

14 A Yes.

15 Q Were telephones the primary way that you  
16 communicated with people at Adelanto that weren't in the  
17 direct vicinity of where you were? I'm talking about  
18 June of 2017.

19 A Yes.

20 Q Other than contacting people via telephone,  
21 would you communicate with them in any other way? For  
22 example, written or walking up to them to have a  
23 conversation about it?

24 A Sometimes personally face-to-face, sometimes  
25 e-mail.

1           A     I don't have a written schedule that tells me  
2 my hours, when I get there and when I go home.

3           Q     Oh, okay. That's a nice gig.

4                     I'm sure when you are not there, you also have  
5 to be reachable because you are the Warden, correct?

6           A     Correct.

7           Q     In terms of being reachable, how are you  
8 reachable when you are not at Adelanto?

9           A     My cell phone, my home phone.

10          Q     Have there been instances since you have been  
11 Warden at Adelanto that you have been called either on  
12 your cell phone or home phone before or after hours?

13          A     Yes.

14          Q     Would you say that is infrequent, a normal  
15 occurrence, or frequent?

16          A     It's periodically.

17          Q     Can you just give me an example of the types  
18 of things that the staff will call you for when you are  
19 not at the facility?

20          A     It would have to do with some sort of serious  
21 incident.

22          Q     If there's a serious incident that happens  
23 when you are not at the facility, are staff required to  
24 contact you as the Warden?

25          A     Depending on the level of the severity, yes.

1           Q     If there's an incident that is going to  
2     ultimately require use of force, and you are not at  
3     Adelanto -- by use of force, I'm specifically referring  
4     to the use of pepper spray -- are staff required to  
5     contact you even though you are not at the facility?

6           MS. AGUADO:   Objection, incomplete  
7     hypothetical.

8           THE WITNESS:   It depends if it's an immediate  
9     or calculated use of force.

10    BY MS. STEINBACK:

11           Q     Can you tell me the difference between those  
12     two?

13           A     Yes.

14           Q     What is that?

15           A     Immediate use of force is if an incident  
16     happens right in front of you, verbal commands are not  
17     effective at the moment and are not appropriate due to  
18     the need to protect yourself or others.

19                   And a calculated use of force can be in an  
20     area that you have time to make a notification.

21           Q     So if a staff member is in a situation where  
22     they have time to make a notification, they are required  
23     to contact you, even if you are off duty at home?

24           MS. AGUADO:   Incomplete hypothetical.

25                   Go ahead.

1       you have time to make the notification, but if that  
2       individual was to start making gestures or it appears  
3       that it's imminent, that's it's going to happen, then  
4       you can initiate the use of force with OC spray as to  
5       protect self-harm, prior to making any notification.

6           Q       In that situation where you need to initiate  
7       before making a notification, at what point are the  
8       staff required to contact you to let you know this has  
9       occurred?

10          A       Typically I get a phone call from the  
11       Administrative Duty Officer within an hour or two of  
12       the incident.

13          Q       What is an Administrative Duty Officer?

14          A       Its an individual that carries the  
15       administrative duty through the weekends and after  
16       hours, they are the first contact.

17          Q       Is that individual at Adelanto?

18          A       Yes.

19          Q       So is there always an Administrative Duty  
20       Officer at Adelanto?

21          A       Yes.

22          Q       Is that person's function essentially to be  
23       your surrogate when you are not there?

24          A       Yes.

25          Q       In June of 2017, do you know, was there one

1 resources that are at the facility.

2 Q Have you -- since you began your tenure at  
3 Adelanto, have there been any rebellions?

4 A No.

5 Q Since you began your tenure at Adelanto  
6 Detention Center, have there been any riots?

7 A No.

8 Q Since you began your tenure at Adelanto  
9 Detention Center, have there been any attempted  
10 rebellions?

11 A Can you be more specific?

12 Q Sure. I have seen in a number of policy  
13 documents reference to rebellions and riots or attempted  
14 rebellions and riots, so actually maybe I need to ask  
15 you, what does that mean? What is an attempted  
16 rebellion?

17 A If you are referring to the emergency plan, it  
18 would be a major -- a large group of individuals that  
19 were there would rebel or try to maybe overtake an area  
20 of the institution. So no, there has not been any.

21 Q Okay. In June of 2017, you previously said  
22 that you were required to report serious incidents to  
23 ICE, correct?

24 A Correct.

25 Q When there was a use of force -- strike that.

1 Did a use of force constitute a serious  
2 incident that would be -- you would be required to  
3 report to ICE in June of 2017?

4 A Yes.

5 Q Is that true for all uses of force?

6 A Yes.

7 Q How do you report those uses of force to ICE?  
8 By that, what documentation would you relay to ICE?

9 A Could be an e-mail, could be verbal -- and ICE  
10 is involved with the after-action review.

11 Q What was the purpose of reporting use of force  
12 to ICE, if you know?

13 A It's a contractual requirement.

14 Q It was your understanding that ICE would then  
15 do something with that information?

16 MS. AGUADO: Objection, calls for speculation.

17 THE WITNESS: I don't know ICE's processes. I  
18 don't get involved if they have reporting requirements  
19 and what their timeframes are. I'm not familiar with  
20 their processes.

21 BY MS. STEINBACK:

22 Q Okay. Is it fair to say you don't know why  
23 you gave the documentation or reported the information  
24 to ICE, other than because it was contractually required  
25 of you?

1 Is this an e-mail that was sent by you.

2 Correct?

3 A It's part of the SIR System, Serious Incident  
4 Report System.

5 Q So was this e-mail automatically generated by  
6 the SIR System?

7 A Yes.

8 Q So is it accurate to say this e-mail, like the  
9 e-mail marked as Exhibit 4, was sent to the individuals  
10 according to the SIR?

11 A This is the initial entry by whoever entered  
12 it. I'm talking Exhibit 4.

13 Q Okay.

14 A It appears that Leo McCusker entered the  
15 initial serious incident, okay, and this is where I  
16 actually transmitted formally to corporate. It's a  
17 two-step process.

18 Q And this is how it was done routinely in June  
19 of 2017?

20 A Yes.

21 Q It's the use of force process?

22 A Yes.

23 Q Before transmitting the SIR to corporate, did  
24 you review the information that was inputted to that SIR  
25 in any way?



1 Is this an e-mail that was sent by you.

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15 initial serious incident, okay, and this is where I  
16 actually transmitted formally to corporate. It's a  
17 two-step process.

18 Q And this is how it was done routinely in June  
19 of 2017?

20 A Yes.

21 Q It's the use of force process?

22 A Yes.

23 Q Before transmitting the SIR to corporate, did  
24 you review the information that was inputted to that SIR  
25 in any way?

1 A Yes.

2 Q What was that review?

3 A I looked at the narrative of the SIR. If I  
4 need any clarification or further information, I'll ask  
5 for it before I transmit it.

6 Q And once its finalized, and you feel that its  
7 ready, then you transmit it to corporate?

8 A Myself or one of the other administrators.

9 MS. STEINBACK: I'm handing the deponent a  
10 document that has been marked Exhibit 6, which is  
11 Bates-stamped GEO 02226 through 02233.

12 (Whereupon Exhibit 6 was marked for  
13 identification by the Court Reporter  
14 And is attached hereto.)

15 BY MS. STEINBACK:

16 Q Is this the serious incident report that you  
17 have been discussing throughout your testimony?

18 A Yes.

19 Q Is this a template created by GEO Corporate?

20 A Yes.

21 Q Who is supposed to -- according to GEO's  
22 policies and practices, who is supposed to input the  
23 information into the SIR?

24 A It starts with the shift supervisor level.

25 Q So the shift supervisor is the first one who

1 is supposed to input information about this serious  
2 incident into this report?

3 A Yes.

4 Q What information is the shift supervisor  
5 required to input into the report in order to make it a  
6 complete and accurate report?

7 A The narrative, the type of incident,  
8 participants, the date, the time that the client was  
9 notified, and then some of the details of the actual  
10 incident.

11 Q Would it be accurate to say that the shift  
12 supervisor should go through each of the categories of  
13 information in this template, and if it applies to the  
14 incident, should input information responsive to the  
15 category into his report?

16 A Yes, if they have got the information.

17 Q And that's incorporated within GEO's policies  
18 and practices?

19 A Yes.

20 Q And that's for purposes to generate a complete  
21 and accurate report, correct?

22 A Yes.

23 Q So, for example, I'm just looking at the page,  
24 Bates-stamped at the bottom GEO 02229. For example, if  
25 an inmate had escaped during the course of this serious

1 incident, the shift supervisor would be required to  
2 input information under escape information, correct?

3 A Yes.

4 Q Similarly, underneath that, if there was  
5 exposure information, the shift supervisor would be  
6 required to input that information into the report?

7 A Yes.

8 Q After the shift supervisor has input  
9 information into this report, what happens to it?

10 A It goes to a review mode. The notification --  
11 once they enter the information, there's a notification  
12 that goes out to the distribution list. And I can go  
13 back to Exhibit 4 -- that is the initial notification,  
14 so it's there for review, and then it will be  
15 transmitted by one of the Administrators -- myself or  
16 one of the other Administrators.

17 Q After that initial notification to the list,  
18 that is contained in Exhibit 4, are the individuals on  
19 that list permitted to go in and review this serious  
20 incident report to make sure the information that's  
21 needed to be in there is in there?

22 A As Facility Administrator, other individuals  
23 that are in that distribution list, I don't know their  
24 accesses.

25 Q Are the administrators of the facility

1 A Correct.

2 Q Does that indicate that it has been  
3 transmitted?

4 A It's status was. It's transmitted, yes.

5 Q But that doesn't indicate who it is that  
6 transmitted the documents?

7 A No.

8 Q Should there be a category in this form that  
9 states who transmitted the document?

10 A Not that I know of.

11 Q So looking at this report, its not possible to  
12 tell who finalized and signed off on the report?

13 A Not that I can tell.

14 Q Are those your initials on the first page over  
15 your e-mail address?

16 A Yes.

17 Q Why did you initial it?

18 A I initial every one. My secretary prints  
19 them, and once they get sent and transmitted into their  
20 database, my name appears on every one of them as being  
21 the Facility Administrator. So each one of them, my  
22 secretary brings them to me periodically, and I sign  
23 them.

24 Q What happens with the document after you sign  
25 it?

1           Q     Other than meeting the 14-day physical  
2     examination requirement, what other medical care issues  
3     have been brought to your attention as being not  
4     compliant with PBNDS?

5           A     I don't remember specifically. There were a  
6     couple issues with meetings, sick calls, timelines, and  
7     I don't remember the specifics of all the findings.

8           Q     If the facility is not compliant with the  
9     PBNDS, is it your ultimate responsibility to ensure that  
10    it gets into compliance, because you are the Warden?

11          A     Ultimately, yes.

12          Q     Other than ICE's inspection of Adelanto, have  
13    there been any other scheduled or unscheduled  
14    inspections from outside entities at Adelanto since you  
15    have been the Warden?

16          A     Yes.

17          Q     What other outside entities have performed  
18    scheduled inspections at Adelanto?

19          A     We had Civil Rights, Civil Liberties,  
20    Disability Rights of California, Office of Detention  
21    Oversight, Office of Inspector General, ICE Health  
22    Services Core. We have had Nakamoto Group -- there's  
23    been several.

24                MS. AGUADO: For purpose of this deposition,  
25    just limit it to certain inspections of certain

1 up the privacy curtains, much to the detainees  
2 disagreement, but that's been enforced, and that's no  
3 longer allowed, and we no longer restrain detainees on a  
4 routine basis in the disciplinary side of special  
5 management, strictly on a case-by-case basis if someone  
6 is acting out.

7 Q Have you made any other changes in response to  
8 the OIG report?

9 A I don't recall each specific finding at this  
10 time, so I don't want to misspeak if we made other  
11 changes.

12 Q When you say, "We made changes," are you  
13 talking about specifically at Adelanto, or did GEO  
14 Corporate make those changes?

15 A Specifically at Adelanto.

16 Q Who is the person authorized to make those  
17 changes at Adelanto? Was it you?

18 A Me. Me in coordination with ICE.

19 Q On the GEO side, it would be because you are  
20 the final decision-maker at Adelanto for GEO, correct?

21 A Correct.

22 MS. STEINBACK: Can we go off the record a  
23 minute?

24 MS. AGUADO: Sure.

25 (Short recess was taken.)

1 Q So you don't recall whether you wait 72 hours  
2 and then at that point create the SIR?

3 A I don't recall.

4 Q Okay. But at some point, you create an SIR  
5 when the hunger strike has been verified?

6 A Correct.

7 Q You would send -- would you send that in the  
8 same use of force report through the SIR database?

9 A Correct.

10 Q And then the e-mail notification, just like  
11 with the use-of-force SIR?

12 A Correct.

13 Q Other than reporting a hunger strike to ICE,  
14 would you also be required to report it to the City of  
15 Adelanto?

16 A No.

17 Q And to be clear, in June of 2017, were you  
18 required to report any serious incident to the City of  
19 Adelanto?

20 A I have never been required to.

21 Q In June of 2017, were you required to report  
22 anything about the facility to the City of Adelanto?

23 A No.

24 Q You already testified that the City of  
25 Adelanto did not perform any inspections of Adelanto



1 during your tenure as Warden.

2 Did they ever come over for meetings?

3 A Periodically.

4 Q What was the purpose of those meetings?

5 A A few of the city council members would attend  
6 our quarterly Community Advisory Board Meetings.

7 Q What is the Community Advisory Board Meeting?

8 A They are comprised of individuals from the  
9 community. Some of them are -- we have local government  
10 officials, some are local business owners, or some are  
11 editors in the area, and there's general meeting to  
12 discuss what goes on in all of our different areas.

13 Q Are those meetings run by the GEO Group?

14 A Yes.

15 Q What's the purpose of those meetings?

16 A Its for community relations.

17 Q So it's not like the City in attending the  
18 meetings had the ability to approve or deny something  
19 that GEO was doing at Adelanto?

20 A No.

21 Q They are basically information-sharing  
22 meetings, would that be fair to say --

23 A Yes.

24 Q -- that were open to the community?

25 A Yes.

# EXHIBIT 12

UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

OMAR ARNOLDO RIVERA MARTINEZ, ) NO. 5:18-cv-01125  
et al., ) R-GJS

Plaintiffs,

v.

THE GEO GROUP, INC., et al.,

Defendants.

**CERTIFIED  
TRANSCRIPT**

DEPOSITION OF JESSIE FLORES  
Riverside, California  
Friday, June 28, 2019

Reported by:  
Heidi Hummel-Grant  
CSR No. 12556  
PAGES 1 - 114

Page 1

1 A I'm sorry. 10:00

2 Q Sorry. Go ahead. Complete your answer?

3 A I've been in this capacity ever since.

4 Q When did that happen?

5 A August of 2018. 10:00

6 Q And is your current status still interim City  
7 manager, or have you been appointed more permanently  
8 now?

9 A Yes, I've been appointed more permanently.

10 Q When did that happen? 10:01

11 A November of 2018.

12 Q Is one of your current job duties liaising with  
13 GEO Group?

14 A No.

15 Q Is one of your current job duties inspecting the 10:01  
16 Adelanto Detention Facility?

17 A No.

18 Q Is there someone at the City responsible for  
19 inspecting the Adelanto Detention Facility?

20 A No. 10:02

21 Q Is there someone at the City responsible for  
22 liaising with the GEO Group?

23 A No.

24 Q Does the GEO Group ever communicate with you?

25 A Yes. 10:02

Page 15

1 knowledge or dates on the contract? 10:31

2 THE WITNESS: Dates on the contract.

3 Well, they both appear to have the same dates.

4 MS. SWEETSER:

5 Q Is one -- 10:31

6 A Correction one's 17th and 27th, sorry.

7 Q So it looks like the services contract was

8 entered into and then the MOU was entered into; is that

9 correct?

10 A Yes. 10:31

11 Q Have you spoken with Mr. Hart about this

12 correct?

13 A No.

14 Q Is it your understanding that at the time the

15 City entered into this contract it had already executed 10:32

16 an intergovernmental services agreement with ICE?

17 A I don't know.

18 Q Is there someone at the City who would know?

19 A No.

20 Q And that's because Mr. Hart left the City? 10:32

21 A Yes.

22 Q Just looking at the face of the contract there's

23 a number of whereas provisions at the front. It looks

24 like the contract is specifying that GEO Group would act

25 as a subcontractor for the City. 10:32

Page 36

1 A Yes. 10:36

2 Q This contract further required that the service  
3 provider adopt a quality assurance surveillance plan; is  
4 that right?

5 A Yes. 10:36

6 Q And when the contract refers to the service  
7 provider, they're referring to the City of Adelanto; is  
8 that correct?

9 A Yes.

10 Q In your role as the City manager have you ever 10:36  
11 had contact with the ICE contracting officer's technical  
12 representative?

13 A No.

14 Q Do you know if your predecessors in your  
15 position ever had contact with the contracting officer's 10:36  
16 technical representative?

17 A I don't.

18 Q Do you know if there's any procedure or process  
19 at the City to get in touch with COTR, which I'll  
20 represent to you is the contracting officer's technical 10:37  
21 representative?

22 A For ICE?

23 Q For ICE.

24 A No.

25 Q Do you have the contact information for that 10:37

1 A No. 10:38

2 Q Did any employee of the City of Adelanto review  
3 documents such as post logs, policies and records of  
4 corrective action created by GEO Group?

5 A No. 10:39

6 Q Was there any mechanism in place at the City to  
7 ensure that GEO was creating this documentation?

8 A We contracted with GEO to provide all of these  
9 services for the City of Adelanto.

10 Q So if they didn't provide these documents, they 10:39  
11 would be in breach of the contract the City had with  
12 them; correct?

13 A I don't know.

14 MS. AGUADO: Objection, belated, to legal  
15 conclusion. 10:39

16 But go ahead, which you already did.

17 MS. SWEETSER:

18 Q Was it your understanding that the contract  
19 required GEO Group to create such documentation?

20 A It's my understanding that we contracted with 10:39  
21 GEO to maintain all documentations, policies, procedure  
22 and oversee the facility on behalf of the City.

23 Q Do you know if when Ms. Herrera visited the  
24 facility if she looked at documentation?

25 MS. AGUADO: Assumes facts. Lacks foundation. 10:40

1	A Federal, state and local.	10:43
---	-----------------------------	-------

2 Q Which federal agencies do you know frequent the  
3 facility?

4           A     Well, we've had a number of legislatures and  
5 county representatives attend -- attend meetings at the               10:43  
6 detention center and tour the facility, all the way from  
7 Dianne Feinstein's representatives to our state  
8 assemblyman, our senate, senators themselves and/or  
9 their representatives.

10 Q Besides elected officials and their staff, are 10:44  
11 there other federal agencies you're aware of inspecting  
12 the facility?

13           A     Yes, the attorney general's office it's my  
14     understanding is there on a regular basis.

15	Q	How did you reach that understanding?	10:44
----	---	---------------------------------------	-------

16           A     They -- the attorney general's office has  
17     visited the City of Adelanto and has made that clear to  
18     us.

19 Q Did they meet with you to discuss the facility?

20	A Yes.	10:44
----	--------	-------

21 Q Did they discuss the quality of training at the  
22 facility?

23                   A     I don't remember.

24	Q Did they discuss generally whether the	
25	performance-based national detention standards are being	10:45



1 followed at the facility? 10:45

2 A I'm sorry?

3 Q Did the AG's office discuss with City officials

4 whether the performance-based national detention

5 standards were being followed? 10:45

6 A Yes.

7 Q And what do you remember them saying about that?

8 A I don't remember.

9 Q Do you remember any deficiencies they

10 identified? 10:45

11 A Yes.

12 Q What were those.

13 A I believe there were healthcare issues that they

14 were concerned about, the inmates not receiving adequate

15 healthcare services. That's what comes to mind. 10:45

16 Q Do you remember when that meeting took place?

17 A January, February of this year, 2019.

18 Q Was there an OIG report being discussed?

19 A Yes.

20 Q When did the OIG report first come to your 10:46

21 attention?

22 A Beginning of this year.

23 Q Did you discuss corrective actions that could be

24 taken at the facility?

25 MS. AGUADO: Objection. This is irrelevant. It has 10:46

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1 THE WITNESS: No. 10:47

2 MS. TISHKOFF: It's irrelevant.

3 MS. SWEETSER:

4 Q Your answer was no?

5 A My answer was no. 10:48

6 Q How many meetings did you have with the attorney

7 general's office about the OIG report?

8 A Two.

9 Q Were they both in January and February of 2019?

10 A Yes. 10:48

11 Q At those meetings did you discuss whether

12 detainees had previously raised concerns about the

13 medical care?

14 A Yes.

15 Q What did you discuss about that? 10:48

16 A There was no discussion. It was just brought to

17 our attention what the complaint was.

18 Q Did you look at anything such as a grievance log

19 for the facility?

20 A No. 10:49

21 MS. AGUADO: Assumes facts. Lacks foundation.

22 Go ahead. You've already answered.

23 MS. SWEETSER:

24 Q Did you look at any past grievances that had

25 been presented from the facility? 10:49

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1 discussed, were there any other meetings you had with 10:54  
2 the attorney general or their office about the facility?

3 A No.

4 Q Were there are any other federal agencies that  
5 have requested to meet with City officials about the 10:54  
6 facility?

7 A No.

8 Q You said you haven't met before with the COTR  
9 for the facility; correct?

10 A Correct. 10:54

11 Q Do you know if the people you met with from the  
12 attorney general's office, what their department was?

13 A No.

14 Q And going back to what we were talking about,  
15 annual meetings with local, state and federal officials, 10:55  
16 was there any annual meeting with the City officials to  
17 discuss the execution of contract by GEO?

18 A No.

19 Q Was there any kind of quality control review of  
20 how GEO was performing under the contract? 10:55

21 MS. AGUADO: Objection. It's vague. Ambiguous.

22 Go ahead.

23 THE WITNESS: What's the question, I'm sorry?

24 MS. SWEETSER:

25 Q Was there any kind of review or quality control 10:55

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1 plan by the City to assess how GEO was performing the 10:55  
2 contract?

3 A GEO performed all of -- we hired GEO to perform  
4 all of those tasks, duties or responsibilities on our  
5 behalf. The City of Adelanto's behalf. 10:56

6 Q Was there any kind of quality control or  
7 assessment by the City of how the -- whether the  
8 performance was happening?

9 A We relied on GEO to perform all of those  
10 responsibilities on our behalf. 10:56

11 Q So the City didn't have any mechanism to assess  
12 whether they were performing it in accordance with the  
13 terms?

14 A I don't know.

15 Q As far as you're aware there was no such 10:56  
16 mechanism?

17 MS. AGUADO: And aside from what he's already  
18 discussed the federal agencies giving notice of issues  
19 or something more specific?

20 MS. SWEETSER: I'm asking about City mechanisms. 10:56

21 Q As far as you're aware was there any City  
22 assessment or quality control mechanism to determine  
23 whether GEO was performing the contract the way -- in  
24 complying with the terms?

25 A No, we relied on GEO for -- to oversee the 10:57

1 detention center or behalf of the City of Adelanto. 10:57

2 Q Did any City employee ever review training  
3 documents from the GEO Group?

4 MS. AGUADO: Calls for speculation.

5 If you know. 10:57

6 THE WITNESS: No. Actually, I don't know.

7 MS. SWEETSER:

8 Q You're not aware of any such --

9 A I'm not.

10 Q Did any City employee ever review training 10:57

11 documents from Correct Care Solutions?

12 MS. AGUADO: Lacks foundation. Assumes facts.

13 Calls for speculation.

14 THE WITNESS: I don't know.

15 MS. SWEETSER: 10:58

16 Q You're not aware of any such review?

17 A I'm not.

18 Q Are you aware that at some point GEO Group

19 subcontracted its healthcare at the facility?

20 A That's my understanding. 10:58

21 Q Did the City have any say in whether or not that  
22 healthcare was subcontracted?

23 A No.

24 Q There's no provision in the contract that you're

25 aware of that would limit subcontracting by the 10:58

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1 Q Do you know under this agreement did the 11:26  
2 San Bernardino Sheriff's Department have an obligation  
3 to make City employees aware of problems at the  
4 facility?

5 MS. AGUADO: The agreement between the City and the 11:26  
6 police department or the sheriff's department? Is that  
7 what you're talking about?

8 MS. SWEETSER: Yes.

9 Q Did the sheriff's department have an obligation  
10 to notify the City of problems with the facility? 11:26

11 A I'm sure they --

12 MS. AGUADO: What category does that fall under? I  
13 don't believe there's a category related to agreements  
14 between the City and the San Bernardino County  
15 Sheriff's Department. 11:27

16 MS. SWEETSER: So let me ask it a different way.

17 Q I understand that you had a memorandum of  
18 understanding with the GEO Group about the provision of  
19 sheriff's department services; is that correct?

20 A Yes. 11:27

21 Q And that's what's reflected in Exhibit 10?

22 A Where are you looking now?

23 Q Just in general is this a memorandum that  
24 reflects an agreement about the provision of  
25 San Bernardino Sheriff's Department's services -- 11:27

1 A Yes. 11:27

2 Q -- at the facility?

3 Do you know if there was any obligation under  
4 this agreement that the sheriff's department notify the  
5 City of any problems at the facility? 11:27

6 A I don't know if there was an obligation, but the  
7 sheriff's department is very responsible. And if there  
8 was an incident that rose to that level, I'm certain  
9 that they would report that to us.

10 Q Have you reviewed anything in this case, any 11:28  
11 incident reports, by the sheriff's department?

12 A No.

13 Q Have you seen any incident reports transmitted  
14 about the facility to the City?

15 MS. AGUADO: Lacks foundation. Assumes facts that 11:28  
16 any reports would be transmitted if there was any  
17 issues to record on.

18 But go ahead.

19 THE WITNESS: I'm sorry, question?

20 MS. SWEETSER: 11:28

21 Q Have you ever seen any incident reports about  
22 the facility transmitted to the City by the sheriff's  
23 department?

24 A No.

25 Q Was it your understanding that under this MOU -- 11:29

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1       were discussed? 11:44

2           A    No.

3           Q    What was what -- what is a quarterly meeting?

4           A    There's -- they give reports as to -- they give  
5       a report on their activities at the detention center. I 11:44

6       don't remember the specifics. There was a guest speaker  
7       from within GEO. And then there was a tour shortly  
8       thereafter -- this was a couple of years ago.

9           Q    Was it in 2017?

10          A    I think so. '17. Could have -- it could have 11:45  
11       been early '18. I don't remember. It was during  
12       Elliott's term as City manager. Or just during the time  
13       he was City manager.

14          Q    When you say you heard them give reports on  
15       their activities, what activities were they discussing? 11:45

16          A    I don't remember.

17          Q    Were they discussing the -- the food provided to  
18       detainees?

19          A    No. No.

20          Q    Sorry. Go ahead. 11:45

21          A    I was going to say although they did serve food  
22       cooked by the detainees. I don't recall what the topic  
23       was. We did take a tour of the facility shortly  
24       thereafter, the entire crew. There was representation  
25       from local level, state, federal, county. And shortly 11:46

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1       thereafter we all took a tour of the facility. That's                   11:46  
2       all I recall.

3 Q And when you say it was a quarterly meeting, did  
4 they have meetings like this at the facility four times  
5 a year? 11:46

6           A     I believe it's one of the same ones. I haven't  
7     been to one since then. There was one just yesterday.  
8     I couldn't make it. So we had our members of our City  
9     Council attend that meeting. There were three Council  
10    members that attended yesterday's quarterly meeting.                   11:46  
11    All of our Council members are involved in these  
12    quarterly meetings.

13 Q Is there a particular person at GEO Group who  
14 organizes the meeting?

15 | A I don't know. 11:47

16	Q	Do you get emails about these meetings?
----	---	---

17	A Yes.
----	--------

18 Q Do the emails come from GEO Group?

19           A     It's a quarterly invitation that is sent to our  
20     office from one of the GEO representatives.     It could                     11:47  
21     possibly be their executive staff.

22 Q Do you know if -- at the meeting you attended

23 who the quest speaker was?

24	A (Indicating.)
----	-----------------

25           0    Do you remember -- I'm sorry, you have to give           11:47

1 Q Does it involve -- excuse me. 11:49

2 Does it involve observing any detainees?

3 A Yes.

4 Q On the tour you were on, do you remember what  
5 you were seeing detainees doing? 11:49

6 A Interacting with each other.

7 Q Do you go into the dormitories on the tour?

8 A Not into the dormitory, but there's a glass that  
9 separates the hallway from the dorm. Or a wall with  
10 windows. 11:49

11 Q Do you know about how long the quarterly meeting  
12 usually lasts?

13 A Over --

14 MS. AGUADO: He said he only went to one. So I  
15 guess the one meeting he went to. 11:49

16 THE WITNESS: The one meeting I went to was over an  
17 hour. Correct. The one meeting I went to was over an  
18 hour. The meeting was an hour, and then it concluded  
19 with a tour of the facility. So I'm just going to  
20 guess approximately two hours. 11:50

21 MS. SWEETSER:

22 Q Are all Council members always invited to these  
23 meetings?

24 A Yes. They're all part of the existing board,  
25 the quarterly meeting board. And they also have access 11:50

1 Q When you referred to the contract as a 12:23  
2 pass-through before, what were you referring to passing  
3 through?

4 A My understanding is that at the time when the  
5 City wanted to contract or contractual agreement with 12:23  
6 GEO, shortly thereafter GEO went into contract with ICE.  
7 However, at that time it was a conflict of interest for  
8 Geo to bill ICE directly. So there was an agreement at  
9 that time as the City being the pass-through for the  
10 revenues received either between GEO and ICE or ICE GEO. 12:23

11 Q So would ICE pay the City the bed day rate and  
12 the City would then pay that rate to GEO?

13 A I believe so. I believe that was the contract  
14 agreed upon back in 2010 or '11.

15 Q And then GEO would pay the 1.1 million in fees 12:24  
16 that we mentioned before? Fees and taxes to the City?

17 A Yeah. And I don't know if those were the exact  
18 fees. I don't recall what numbers those are.

19 Q You just had an estimate it was around 1.1?

20 A That's -- yes. Could be less. Could be more. 12:24

21 Q And under this contract from 2011 there was a  
22 certain minimum staffing at the facility; is that right?

23 A Yes.

24 Q Did the City do anything to ensure that the  
25 minimum number of staff were at the facility? 12:25

1 Q Are there any agencies you know of visiting the 12:28  
2 facility that we haven't already discussed?

3 A No.

4 MS. SWEETSER: Can we go off the record?

5 THE REPORTER: We're off the record. 12:29

6 (A recess is taken.)

7 MS. SWEETSER:

8 Q Have you ever reviewed any policy manual that  
9 GEO produced to you?

10 A No. 12:44

11 Q Do you know whether the City maintains records  
12 of the current policy manuals at the facility?

13 A Yes.

14 Q Who maintains those records?

15 A That would be the City clerk. 12:44

16 Q How are -- what City employees reviewed those  
17 manuals?

18 A We have records. We just -- I don't know who  
19 reviews them.

20 Q Do you know if anyone has reviewed them? 12:44

21 A I don't know.

22 Q Is there any annual or quarterly meeting where  
23 the City goes over the policy manuals with GEO?

24 A I don't know.

25 Q During your time at the City has there been such 12:45

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Certification of Court Reporter

Federal Jurat

I, the undersigned, a Certified Shorthand Reporter of the State of California do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were placed under oath; that a verbatim record of the proceedings was made by me using machine shorthand, which was thereafter transcribed under my direction; further, that the foregoing is an accurate transcription thereof.

That before completion of the deposition a review of the transcript was requested.

I further certify that I am neither financially interested in the action nor a relative or employee of any of the parties.

IN WITNESS WHEREOF, I hereby subscribe my name this 13th day of July, 2019.



Heidi Hummel-Grant

Certified Shorthand Reporter No. 12556

# EXHIBIT 13

IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

OMAR ARNOLDO RIVERA MARTINEZ; )  
ISAAC ANTONIO LOPEZ CASTILLO; )  
JOSUE VLADIMIR CORTEZ DIAZ; JOSUE )  
MATEO LEMUS CAMPOS; MARVIN JOSUE )  
GRANDE RODRIGUEZ; ALEXANDER )  
ANTONIO BURGOS MEJIA; LUIS PENA )  
GARCIA; JULIO CESAR BARAHONA )  
CORNEJO, as individuals, )

Plaintiffs, )

vs. )

THE GEO GROUP, INC., a Florida )  
corporation; THE CITY OF ADELANTO, )  
a municipal entity; GEO LIEUTENANT )  
DURAN, sued in her individual )  
capacity; GEO LIEUTENANT DIAZ, )  
sued in her individual capacity; )  
GEO SERGEANT CAMPOS, sued in his )  
individual capacity; SARAH JONES, )  
sued in her individual capacity; )  
THE UNITED STATES OF AMERICA; and )  
DOES 1-10, individuals, )

Defendants. )

CASE NO. 5:18-cv-01125-SP

DEPOSITION OF JOANNE LANGILL  
SAN BERNARDINO, CALIFORNIA  
THURSDAY, AUGUST 29, 2019

REPORTED BY:

Carolyn Ann Peterson

CSR No. 3195

Pages 1 -84

1 A Yes.

2 Q Okay. Thank you.

3 Did you discuss this deposition with anyone  
4 other than your attorney?

5 A No.

6 Q Did you meet with your attorney to prepare for  
7 the deposition?

8 A Yes.

9 Q Without telling me anything that you  
10 discussed, how long did you meet with your attorney?

11 A Probably about 10, 15 minutes.

12 Q Was that today?

13 A No.

14 Q So that was some occasion prior to today?

15 A Yes.

16 Q You did not discuss this deposition with  
17 anyone currently at GEO?

18 A No.

19 Q No one at Adelanto?

20 A No.

21 Q How long have you been the Compliance  
22 Administrator at Adelanto?

23 A It would be four years.

24 Q What are your responsibilities as the  
25 Compliance Administrator?



1           Q     Has there ever been a description that you  
2     have observed as the Compliance Administrator where a  
3     review was done of an after-action report and a  
4     different conclusion was reached as to the propriety  
5     report of use-of-force?

6           A     No.

7           Q     Other than the Chief of Security, who exactly  
8     is responsible for reviewing the file before sending it  
9     out to ICE?

10          A     The Facility Administrator.

11          Q     And I think you said the Facility  
12     Administrator gives it to the Chief of Security, whoever  
13     does the final review before giving it to ICE; is that  
14     correct?

15          A     Yes.

16          Q     During the time that you have been Compliance  
17     Administrator, has the City of Adelanto at any point  
18     come into the facility for purposes of conducting an  
19     audit?

20          A     No.

21          Q     During the time that you have been Compliance  
22     Administrator has the City of Adelanto come into the  
23     facility to do any sort of review of the policies --

24          A     No.

25          Q     -- that are governing the facility?

1 A No.

2 Q To your knowledge, does the City of  
3 Adelanto -- strike that.

4 To your knowledge, has GEO provided the City  
5 of Adelanto with their policies and procedures manual?

6 A I do not know that.

7 Q Has anyone from the City of Adelanto ever  
8 contacted you about any of the policies governing  
9 Adelanto?

10 A No.

11 Q Has anyone at the City of Adelanto ever  
12 contacted you in your capacity as the Compliance  
13 Administrator for any purpose?

14 A No.

15 Q And you have been the Compliance Administrator  
16 for four years?

17 A Yes. Yes.

18 Q Are you aware of whether the City of Adelanto  
19 has come to do a walk-through at any point in the  
20 facility prior to you being the Compliance  
21 Administrator?

22 A I don't know.

23 Q I'm going to represent to you that the City of  
24 Adelanto has stated that a representative of the city  
25 went to Adelanto in October of 2012 or November of 2012.

1 of a rebellion, riot or disturbance, and when all of the  
2 followings conditions exist."

3 What is a rebellion for purposes of this  
4 policy?

5 A That I'm not sure. That was already put in  
6 there before I came in.

7 Q Has anyone ever come to you to ask what or how  
8 to define that word "rebellion" in this policy?

9 A No.

10 Q Is there a definition of rebellion for  
11 purposes of this policy?

12 A No.

13 Q Looking right next to the word "rebellion,"  
14 the next word is "riot." What is a riot for purposes of  
15 this policy?

16 A That's usually when it's more than, let's say,  
17 five detainees or on the housing unit being involved in  
18 some type of disturbance of the facility, like fights  
19 going on.

20 Q And when you say type of disturbance for the  
21 facility like fights, what other things would be the  
22 type of disturbance that would constitute a riot?

23 A Usually it's fights for the most part.

24 Q Is there anything else that you can think of  
25 other than fights?

REPORTER'S CERTIFICATE

I, CAROLYN ANN PETERSON, Certified Shorthand Reporter, do hereby certify:

That prior to being examined, the witness in the foregoing proceeding was by me duly sworn to testify to the truth, the whole truth, and nothing but the truth. That said proceedings were taken before me at the time and place therein set forth and were taken down by me stenographically at the time and place therein named and thereafter reduced to computerized transcription under my direction and supervision;

I further certify that I am neither counsel for nor related to any party in said proceedings, nor in any way interested in the outcome thereof.

IN WITNESS WHEREOF, I have hereunto subscribed my name this date: September 19, 2019.

A handwritten signature in blue ink, reading "Carolyn Ann Peterson". The signature is stylized with a large initial 'C' and a prominent 'P'.

CAROLYN ANN PETERSON, CSR 3195

# EXHIBIT 14

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CERTIFIED  
TRANSCRIPT**

OMAR ARNOLDO RIVERA MARTINEZ; )  
ISAAC ANTONIO LOPEZ CASTILLO; )  
JOSUE VLADIMIR CORTEZ DIAZ; JOSUE )  
MATEO LEMUS CAMPOS; MARVIN JOSUE )  
GRANDE RODRIGUEZ; ALEXANDER ANTONIO )  
BURGOS MEJIA; LUIS PEÑA GARCIA; )  
JULIO CESAR BARAHONA CORNEJO, AS )  
INDIVIDUALS, )

PLAINTIFFS, ) CASE NO.:

VS. ) 5:18-CV-01125-R-GJS

THE GEO GROUP, INC., A FLORIDA )  
CORPORATION; THE CITY OF ADELANTO, )  
A MUNICIPAL ENTITY; GEO LIEUTENANT )  
DURAN, SUED IN HER INDIVIDUAL )  
CAPACITY; GEO LIEUTENANT DIAZ, )  
SUED IN HER INDIVIDUAL CAPACITY; )  
GEO SERGEANT CAMPOS, SUED IN HIS )  
INDIVIDUAL CAPACITY; SARAH JONES, )  
SUED IN HER INDIVIDUAL CAPACITY; )  
THE UNITED STATES OF AMERICA; AND )  
DOES 1-10, INDIVIDUALS; )

DEFENDANTS. )

DEPOSITION OF SERGEANT GIOVANNI CAMPOS  
WEDNESDAY, MAY 8, 2019

JOB NO.: 3295952  
REPORTED BY CARLA J. AMBRIZ, CSR NO. 12504  
PAGES 1 - 189

Page 1

1 Q Do you remember if any of the updates were  
2 about OC spray?

3 A Yes. We had a refresher.

4 Q So thinking back to your time in the military,  
5 when you were getting these updates on OC spray and you  
6 had training on OC spray, were you trained there was a  
7 safe distance at which to deploy OC spray?

8 A Yes.

9 Q What was that distance?

10 A It depends if you have -- it depends how close  
11 they are to you and what's going on. Typically, three  
12 to five feet.

13 Q So three to five feet would be the usual rule;  
14 is that right?

15 A Yes.

16 Q When you say it depends how close they are to  
17 you, do you mean if the person is approaching you, you  
18 might end up spraying them at a closer --

19 A Yes.

20 Q But if they're not approaching you, you would  
21 try and spray from three to five feet; is that right?

22 A Yes.

23 Q Were you taught restraint holds while you were  
24 in the military?

25 A Yes.

1 MS. AGUADO: Compared to what?

2 BY MS. SWEETSER:

3 Q Compared to the Maglite job you were working?

4 A Yes.

5 Q When you first started at the facility, did you  
6 have training there?

7 A Yes.

8 Q How long was that?

9 A I remember two to four weeks.

10 Q And then after -- after you started at the  
11 facility, was there additional training over the course  
12 of the time you were working there?

13 A There's annual refresher.

14 Q How long is the annual refresher at the  
15 facility?

16 A One week, 40 hours.

17 Q When you started at the facility, did you --  
18 what level did you start at?

19 A Officer.

20 Q And at some point, did you get promoted to  
21 sergeant?

22 A Yes.

23 Q When was that?

24 A Five years after being there.

25 Q Was that in 2017?



1 If you have other information you want to --

2 MS. AGUADO: But it still didn't happen after  
3 hours. Or maybe you need to define after hours. If  
4 you're talking about in the evening, it didn't happen in  
5 the evening, so I don't think we need to go down this  
6 road.

7 MS. SWEETSER: Why don't I rephrase.

8 BY MS. SWEETSER:

9 Q Do you know whether Lieutenant Diaz had a way  
10 to reach the warden when he was not at the facility?

11 A Yes.

12 Q Do you know whether she reached out to the  
13 warden that morning?

14 A Typically, you have to when something happens.

15 Q Did she tell you, that morning, that she was  
16 going to reach out to or contact the warden?

17 A I don't know.

18 Q Did you ask Lieutenant Withers to contact the  
19 warden?

20 A No.

21 Q And is it your training and understanding that  
22 the facility administrator should be contacted prior to  
23 the use of OC spray?

24 A No.

25 Q That's not something that you were trained to

1 do?

2 A Once you're certified, you don't need  
3 authorization.

4 Q Is there someone in the facility called a  
5 security supervisor?

6 A No.

7 Q Were you certified in the use of OC spray?

8 A Yes.

9 Q When did that happen?

10 A At GEO?

11 Q Yes, at GEO.

12 A A few months before. May, maybe.

13 Q So was it at the time of your promotion to  
14 sergeant?

15 A Yes. When you get promoted, you do it.

16 Q So once you're certified and promoted to  
17 sergeant, you don't have to contact someone else for  
18 approval before using OC spray; is that right?

19 A No, you don't.

20 Q Before you were promoted to sergeant, did you  
21 have any other promotions within the GEO Group?

22 A No.

23 Q When you were first promoted to sergeant, was  
24 there a specific place you were assigned in the  
25 facility?

1 A Yes.

2 Q And what type of assistance was requested?

3 A They really don't say much info on the radio,  
4 because anything can happen. So you just call for  
5 someone to come over.

6 Q Did they call for officers to respond from the  
7 West facility specifically?

8 A No.

9 Q Did they call for all officers to respond?

10 A She called for a supervisor.

11 Q Was that the first call or the second call?

12 A Second call.

13 Q So on the first call, was there any -- I mean,  
14 what -- what was it your understanding the call was  
15 asking for? What type of assistance?

16 A "We need backup at East."

17 Q Did she say "backup at East" or at "East  
18 2-Charlie" specifically?

19 A Well, typically, you would say where. So yeah,  
20 East 2-Charlie.

21 Q Was there any -- was that all the information  
22 relayed in the call?

23 A Yeah. The second one was just asking for a  
24 supervisor, and then time lapsed, and they called again.  
25 Sounded really urgent. You can tell by the voice. And

1 at the moment, I needed to send everyone out on their  
2 hospital runs. I couldn't hold that up, because that's  
3 medical care for detainees. So I finished there. Me  
4 and Withers could not both go. We cannot leave our  
5 facility without a supervisor. So I went.

6 Q Okay. So there was one call while you were at  
7 the armory --

8 A There were several.

9 Q -- that called for assistance?

10 A Yes.

11 Q Then time lapsed, and then a second call came  
12 in for a supervisor; is that right?

13 A Yes.

14 Q And then further time lapsed. You couldn't  
15 respond because you had to provide medical care to the  
16 detainees; is that right?

17 A I was assigning firearms so they can take  
18 detainees.

19 Q And then a third call came in for a supervisor;  
20 is that right?

21 A Yes.

22 Q At that point of the third call, were you done  
23 assigning the firearms?

24 A Yes. I rushed it, and I responded.

25 Q Did you talk to Lieutenant Withers to tell him

1 Q When you talked to him to tell him you were  
2 going to respond, did he tell you anything about what  
3 communication he had with them?

4 MS. AGUADO: Mischaracterizes testimony.

5 THE WITNESS: No.

6 BY MS. SWEETSER:

7 Q Is it just your speculation that Withers called  
8 over there, or do you know?

9 A What do you mean?

10 Q Well, you said that Withers called over there  
11 to find out what was going on after the radio call. Do  
12 you know that personally, or you're just assuming that  
13 that would have happened?

14 A I'm assuming, because there was no other radio  
15 communication.

16 Q So Withers didn't say anything to you about  
17 communication he had with the facility; is that right?

18 A No.

19 Q So during the second call, you were still  
20 assigning firearms, but by the time of the third call,  
21 you were done assigning the firearms; is that right?

22 A Yes.

23 Q Did you radio over to the East to see what was  
24 happening before you responded?

25 A No.

1 Q Besides calling Withers to alert him that you  
2 were going and then calling the perimeter patrol, did  
3 you call anyone else on the radio to tell them that you  
4 were going to East?

5 A No. There's no one there.

6 Q There's no one where?

7 A Only supervisors there were me and him.

8 Q How long did it take the perimeter patrol to  
9 respond to your call?

10 A A few seconds.

11 Q How long did it take them to drive you over to  
12 the other facility?

13 A Less than two minutes.

14 Q When you arrived at East, was there a  
15 particular door of East that you arrived at?

16 A The front door.

17 Q And when you go in the front door of East,  
18 where is 2-Charlie located relative to the front door?

19 A You walk down the hallway. You make a right.  
20 You walk down another hallway. You make a left. You  
21 walk down another hallway. You open the yard. You run  
22 through the yard. And then you get to the 2-Pod. You  
23 open a door. You go down the hallway. Then another  
24 door opens, and you're in 2-Charlie.

25 Q When you arrived at the facility -- well, while

1 you were riding with the perimeter patrol, did they tell  
2 you anything about what was going on at East facility?

3 A No.

4 MS. AGUADO: Assumes facts that they would  
5 know.

6 Go ahead.

7 THE WITNESS: No.

8 BY MS. SWEETSER:

9 Q Did Lieutenant Withers tell you anything about  
10 what was going on at 2-Charlie?

11 A No.

12 Q Between arriving at the front door and going to  
13 the door of 2-Charlie, did you encounter anyone else who  
14 told you what was going on?

15 A No.

16 Q Did you hear any radio calls -- from the third  
17 call that we talked about calling for a supervisor to  
18 when you arrived at the door of 2-Charlie, did you hear  
19 any other radio calls?

20 A I don't remember.

21 Q Is it fair to say that, when you arrived at the  
22 door of 2-Charlie, all you knew was that someone had  
23 radioed from assistance -- for assistance from there?

24 A Yes.

25 Q And when you entered, did -- what -- what did

1 you see happening there?

2 A Count starts at 6:15. That's when they prep.  
3 It could be 6:10 or 6:15, but it's prior to 6:30. So,  
4 typically, every day, it would be silent during count.  
5 When I walked in, everyone was standing up. People were  
6 yelling. Everyone was swearing at everybody. All  
7 detainees were yelling at officers in Spanish and  
8 English. It looked like -- like a rebellion. What I  
9 saw was that everyone was just going against the  
10 officers.

11 Q So when you say it looked like a rebellion, is  
12 that something that you were trained to recognize?

13 A I would just say I just recognized what it is.

14 Q So you were not trained on what a rebellion is;  
15 is that right?

16 A No.

17 Q Have you seen the word "rebellion" in any  
18 policy documents?

19 A Yes.

20 Q What policy documents are those?

21 A I don't know.

22 Q Were they policy documents you reviewed for  
23 today?

24 A It could have been.

25 Q But you didn't receive on any -- any -- you



1 didn't receive any training on what a rebellion was?

2 A No.

3 Q And when you say detainees were yelling at  
4 officers, were the detainees in the bunks yelling?

5 A In the bunks.

6 Q What did you hear them yelling?

7 A It was in Spanish. People were talking really  
8 fast. I don't know what they were saying.

9 Q Did you hear anyone yelling in English?

10 A Detainees?

11 Q Detainees, yes.

12 A Yes.

13 Q What were the detainees yelling in English?

14 A It sounded like a bunch of cuss words.

15 Q Did you hear any detainees yelling at the  
16 officers to stop?

17 A No.

18 Q Where were the detainees in the bunks when  
19 you -- when you entered and saw detainees yelling from  
20 the bunks, where were -- where were those detainees?

21 A All four tiers had some standing up.

22 Q Were there any officers in the bunk areas when  
23 you entered?

24 A I don't know.

25 Q Did you hear the detainees who were in the

1 A Directives, yes.

2 Q And it was very loud in there; correct?

3 A Yeah.

4 Q Could you tell which officers were giving which  
5 directives?

6 A No.

7 Q And -- but there were multiple officers giving  
8 commands at the same time; is that right?

9 A Yeah.

10 Q Were the commands you heard in English?

11 A I don't remember.

12 Q Do you remember if you heard any commands in  
13 Spanish?

14 A Typically, if they're not answering in English,  
15 they're going to try Spanish, if you speak Spanish.

16 Q Well, typically, but I'm asking at the moment  
17 you entered the room, did you hear anyone -- any of the  
18 officers --

19 A I heard a lot of Spanish and English, yes.

20 Q Did you hear any of the officers giving  
21 commands in Spanish when you entered the room?

22 A I don't know.

23 Q You don't remember that?

24 A I don't remember.

25 Q You said it takes about an hour to complete the

1 MS. AGUADO: It's vague as to where these  
2 officers were standing in the bunk area.

3 THE WITNESS: Where would they be?

4 BY MS. SWEETSER:

5 Q Is there a part of the bunk area where you  
6 cannot see into the day room?

7 A Only if your bunk is next to the wall.

8 Q Well, if the officers were standing in the bunk  
9 area, is there a place in the bunk area where the  
10 officers wouldn't be able to look out into the day room?

11 A I don't know.

12 Q In your experience in 2-Charlie, did you --  
13 were you able to see into the day room from the bunk  
14 area?

15 A Yes.

16 Q When you entered 2-Charlie, did you see  
17 detainees moving between the bunk area and the day room?

18 A No.

19 Q Did it look to you like any detainees were  
20 destroying property?

21 A No.

22 Q What's the first thing you did when you entered  
23 2-Charlie?

24 A When I entered, I saw what I saw, as I  
25 described, and there was -- there was officers escorting

1 the detainee out. And the detainee was being combative.  
2 He was resistive. It looked like he was trying to --  
3 trying to run from them. So I just guided them towards  
4 the wall. I told them to gain control before they  
5 proceed with moving.

6 At that point, I still didn't know what was  
7 going on because it was really loud. Then I saw that  
8 there was detainees in the day room tables. And I saw  
9 officers attempting to secure them, and the detainees  
10 were elbowing them. They were swerving their bodies  
11 side to side. They were just not letting the officers  
12 secure them.

13 Q Hang on. I know you have a whole story to  
14 tell, but I want to just break it down thing by thing so  
15 we can get through it in an orderly fashion. So hang on  
16 just a sec.

17 Let's start with the first thing you said. You  
18 saw officers escorting a detainee out?

19 A Yes.

20 Q How were the officers located relative to that  
21 detainee?

22 A One on each arm.

23 Q Were their hands underneath the detainees arms?  
24 Were they holding onto his triceps? How were they  
25 located?

1 MS. AGUADO: If you recall.

2 THE WITNESS: I don't know.

3 BY MS. SWEETSER:

4 Q And you said you thought the detainee was  
5 trying to run away?

6 A He was not walking with the officers. He  
7 was -- I don't know how to explain it. He was making  
8 them -- he was trying to walk the officers, basically.

9 Q What -- I'm sorry. What does that mean?

10 A Yeah, I don't know how to explain it. He was  
11 trying to get out of their grasp.

12 Q Was he going too fast for them?

13 A The detainee?

14 Q Yes.

15 A Yeah.

16 Q So the first thing you saw was the officers had  
17 this detainee by the arms, and he was trying to go  
18 faster than they were going; is that right?

19 A Yeah, but he was being -- he was swerving side  
20 to side. Their hands were behind their backs. So he  
21 was, like, elbowing the officers.

22 Q When you say he was swerving from side to  
23 side --

24 A Yeah, swerving his body.

25 Q How big was this detainee?

1 A Yes.

2 Q And then once the front of his body was against  
3 the wall, you expected them to take his arms in a  
4 different way?

5 MS. AGUADO: Objection. Misstates his  
6 testimony.

7 Go ahead.

8 THE WITNESS: Just secure -- I just expected  
9 them to be able to secure him properly.

10 BY MS. SWEETSER:

11 Q What did you mean by that, to secure him  
12 properly?

13 A To have him close to them so that he can't run,  
14 he can't elbow the officers.

15 Q So did you think they weren't holding him  
16 properly because they were too far from the -- he was  
17 too far from them?

18 A He wasn't -- they had no control of him.

19 Q And holding him closer would allow them to gain  
20 control?

21 A Yes.

22 Q And why did you expect them to use the wall to  
23 do that?

24 A Because the detainee was running forward. It's  
25 also to prevent injuries to him, because he could trip,

1 and they would all fall.

2 Q Did you watch them as they were placing him on  
3 the wall?

4 A Yes. I guided them to the wall.

5 Q And did you watch them secure his arms in a  
6 different way?

7 A No, because there was something else going on.

8 MS. AGUADO: Can we take a short break? We're  
9 at the two-hour mark.

10 MS. SWEETSER: Sure.

11 THE WITNESS: Thank you.

12 (Recess was taken from 12:17 p.m. to 1:04 p.m.)

13 MS. SWEETSER: Back on the record.

14 BY MS. SWEETSER:

15 Q Before the lunch break, we were discussing how  
16 you ordered two officers to place the detainee on the  
17 wall; is that right?

18 A I just guided them.

19 Q And you -- you verbally said to them, "Put him  
20 on the wall"; right?

21 A To, yes, gain control.

22 Q Did you say "gain control of him"?

23 A To gain control of him.

24 Q So you said, "Put him on the wall to gain  
25 control of him"?

1 A Yes.

2 Q Do you remember saying anything else to them at  
3 that time?

4 A No.

5 Q Did they say anything to you about what was  
6 going on at that time? Those two officers?

7 A I don't remember.

8 Q Do you remember which officers those were?

9 A No, I don't.

10 Q Do you remember if it was two male officers or  
11 a male and female officer?

12 A I think it was two males.

13 Q And then I believe you said before they took  
14 ahold of his arms in a different way, your attention was  
15 drawn elsewhere; is that right?

16 A Yes.

17 Q Where was it drawn to?

18 A A day room table.

19 Q Was the table directly behind where they were  
20 placing him on the wall?

21 A Kind of catty-corner.

22 Q Did you use your pepper spray at the time you  
23 were talking to them?

24 A Talking to who?

25 Q To the -- when you gave that command to place



1 him on the wall, were you using pepper spray at all at  
2 that time?

3 A No.

4 Q Had you deployed any pepper spray at that time?

5 A No.

6 Q Could you tell whether pepper spray had been  
7 used in the room you were in?

8 A No.

9 Q So you didn't smell anything or feel anything  
10 that would indicate pepper spray had been used?

11 A No.

12 Q I'm going to show you Exhibit 4.

13 (Plaintiffs' Exhibit 4 was marked  
14 for identification.)

15 BY MS. SWEETSER:

16 Q Do you recognize yourself as one of the people  
17 depicted in this exhibit?

18 A It looks like me.

19 Q Where are you located in this exhibit?

20 A Towards the entrance.

21 Q Does this exhibit show you entering at  
22 6:46 a.m.?

23 A That's what it says here, yes.

24 Q And does this depict the scene as you remember  
25 it when you entered?

1 who were housed in 2-Charlie at that time?

2 A No.

3 Q You don't remember knowing any of them?

4 A No.

5 Q Do you know if the facility has a policy that  
6 you cannot pepper spray a detainee who's being  
7 restrained?

8 A Yes.

9 Q It does have that policy?

10 A Once they are restrained, not being restrained.

11 Q So if a detainee is being held by the arms, for  
12 example, it would be out of policy to pepper spray that  
13 detainee?

14 MS. AGUADO: Objection. Incomplete  
15 hypothetical.

16 THE WITNESS: It depends what they are doing.  
17 If they're being held by their arms, it's probably  
18 because they're striking the officers, which is what I  
19 saw.

20 BY MS. SWEETSER:

21 Q Well, let's talk about the first detainee you  
22 said was looking like he was walking too fast; correct?

23 MS. AGUADO: Objection. That mischaracterizes  
24 his testimony.

25 THE WITNESS: It looked like he was trying to

1 get out of their grasp.

2 BY MS. SWEETSER:

3 Q Did you consider pepper spraying him?

4 A No.

5 Q Would it have been in policy for you to pepper  
6 spray him?

7 A No.

8 Q Why not?

9 A He was handcuffed.

10 Q So it's out of policy to pepper spray detainees  
11 that are handcuffed?

12 A Yes.

13 Q I'm going to show you Exhibit 5.

14 (Plaintiffs' Exhibit 5 was marked  
15 for identification.)

16 BY MS. SWEETSER:

17 Q Is this -- in Exhibit 5 does that depict you  
18 interacting with the officers in the manner you just  
19 described?

20 A Can't tell.

21 Q But do you see yourself in this exhibit?

22 A Standing, yes.

23 Q And does it appear that you're interacting with  
24 some officers there?

25 A I can't tell where I'm looking at.

1 Q Well, if you look at the timestamp on Exhibit 4  
2 and on Exhibit 6, and you said Exhibit 4 depicts you  
3 entering the room; is that right?

4 A Yes.

5 Q And then you deployed your pepper spray in  
6 Exhibit 6; is that right?

7 A Yes.

8 Q Are those two exhibits less than a minute  
9 apart?

10 A Yes, they are.

11 Q So does that refresh your recollection that you  
12 deployed your pepper spray within the first minute of  
13 entering the room?

14 A Yes.

15 Q Do you know which detainee you were spraying at  
16 this -- in this exhibit?

17 A Yes. Whoever's on this side.

18 Q And you're pointing to the upper left; is that  
19 right?

20 A The bottom right.

21 Q So you're --

22 A Well, whichever way you see it. I don't know.

23 Q That's all right. So, like, from your  
24 perspective, right? You're looking at it -- on your  
25 left -- is the detainee you're spraying on the left-hand

1 side of the table?

2 A Yes.

3 Q Okay. And you're standing on the left-hand  
4 side of the table; is that right?

5 A Yes.

6 Q What do you remember being the reason that you  
7 sprayed this particular detainee?

8 A Well, the situation here has already escalated.  
9 Since the time that it was called, now that I'm seeing  
10 the time here, a lot of time has lapsed. And I know  
11 that they've already exhausted all the attempts to gain  
12 compliance. And what I saw was detainees assaulting  
13 staff. So I told the officers, "Step away," to prevent  
14 further injuries to both detainees and staff.

15 Q So you said the -- the situation escalated from  
16 the time assistance was first called; is that right?

17 A Yes. And from what I saw when I got there.

18 Q How did you know the situation had escalated  
19 from when assistance was called?

20 A Because of how loud it was, and everyone was  
21 combative.

22 Q Did anyone tell you, prior to 6:46:46, the time  
23 stamp on Exhibit 6, did anyone tell you prior to that  
24 what had happened to get to this point?

25 A No.

1 Q Besides guiding the officers to the wall, prior  
2 to deploying your pepper spray, did you have any  
3 communication with any other officers?

4 A I told them to step away.

5 Q Did you have anyone give you any information  
6 about what was going on?

7 MS. AGUADO: Asked and answered.

8 THE WITNESS: No. I could see it.

9 BY MS. SWEETSER:

10 Q Did you see this particular detainee on the  
11 left-hand side of the table elbowing an officer?

12 A Yes.

13 Q Prior to deploying your pepper spray, you saw  
14 that?

15 A Yes.

16 Q Do you know which officer was elbowed?

17 A I don't know.

18 Q Do you know how many officers were standing  
19 near that detainee when you ordered them away?

20 A No, I don't.

21 Q Do you know how many officers were around the  
22 table in general when you ordered the officers to step  
23 back?

24 A No, I don't.

25 Q Did you give any other orders before telling

1 the officers to step away?

2 A I always give directives. So my recollection  
3 was -- I already know that I would have given directives  
4 for them to comply, and if they didn't, then it would  
5 lead to something else.

6 Q I'm sorry. Could you clarify that? So you  
7 know that you would have already given directives to  
8 comply --

9 A I always give directives. You can't just  
10 expect someone to do something without asking them.

11 Q You mean the detainees?

12 A Yes.

13 Q Did you hear -- between telling the officers to  
14 guide that detainee to the wall and deploying your  
15 pepper spray, did you hear the other officers giving  
16 commands to the detainees?

17 A Yes.

18 Q What did you hear them say?

19 MS. AGUADO: If you recall.

20 THE WITNESS: I don't recall.

21 BY MS. SWEETSER:

22 Q You said before you had heard some commands as  
23 you entered the room. Were the same commands still  
24 being given?

25 A Yes.

1 Q So there were still multiple commands being  
2 given by multiple officers?

3 A By staff, yes.

4 Q Did you hear any commands being given in  
5 Spanish?

6 A I don't remember.

7 Q Do you remember anything that, prior to  
8 deploying the pepper spray, the detainees at the table  
9 were saying?

10 A No.

11 Q Could you tell what was being said by detainees  
12 at the table as opposed to detainees yelling from their  
13 bunks?

14 A Yeah. I was close enough, but I don't know  
15 what they were saying.

16 Q Do you remember whether they were saying  
17 anything at that time?

18 A No, I don't.

19 Q In this picture, Exhibit 6, that you have in  
20 front of you, are all the people who are standing up  
21 officers?

22 A It's not clear enough. I can't tell.

23 Q Do you think some of the people standing up  
24 around the table could be detainees?

25 MS. AGUADO: Asked and answered.



1 If you can tell.

2 THE WITNESS: I don't know. No, I don't know.

3 BY MS. SWEETSER:

4 Q Prior to deploying your pepper spray, did you  
5 give any commands to the detainees yourself?

6 A Yes.

7 Q What did you say?

8 A You just yell out "OC spray."

9 Q Is that telling the officers to step away,  
10 would you just say "OC spray" and they would know to  
11 step away?

12 A My command was for them to step away, as said  
13 earlier. And then before you deploy OC, you say "OC  
14 warning," "OC spray warning."

15 Q And when you're saying "OC spray warning" --

16 A That's for everybody.

17 Q -- do you give a command to do something?

18 A No. They were already refusing all commands  
19 from everybody. At this point it was combative. They  
20 were not complying.

21 Q So you didn't give any commands for the  
22 detainees to do anything because, in your opinion, they  
23 were not going to comply?

24 MS. AGUADO: Objection. That mischaracterizes  
25 his testimony.

1 Q So you were instructing them to guide the  
2 detainee to the wall at that time?

3 A It could be. I don't know.

4 Q And then 20 seconds later -- or 23 seconds  
5 later, at 6:46:46, you're deploying your spray; correct?

6 A Yes. It shows here.

7 Q So in that time you assessed that the detainees  
8 were not following commands at the table; correct?

9 A Yes.

10 Q And you gave them a command to stop resisting?

11 A Yes.

12 Q When -- about how long before deploying the  
13 pepper spray did you give that command?

14 A Three to five seconds.

15 Q Was it before or after asking the officers to  
16 step away?

17 A I don't know.

18 Q Did you give the command in English or in  
19 Spanish?

20 A I don't know. If they speak Spanish, I would  
21 have done it in Spanish.

22 Q Did you know --

23 A When detainees respond in Spanish, I speak  
24 Spanish to them.

25 Q And you didn't --

1 Q Would it show a pause between when the officers  
2 stepped away and when you began spraying?

3 MS. AGUADO: I think the video would speak for  
4 itself, whether or not it shows a pause.

5 THE WITNESS: Yeah. I don't know.

6 BY MS. SWEETSER:

7 Q If you gave a command to the detainees and then  
8 waited for them to comply, you would expect to see a  
9 pause between two events; correct?

10 A What do you mean?

11 Q You said you gave a command, and you waited at  
12 least three seconds for them to comply; is that right?

13 A No. I don't know. I don't remember.

14 Q You don't remember doing that?

15 A I don't remember if there's a pause or a  
16 waiting period.

17 Q But you don't remember waiting for them to  
18 comply after giving the command?

19 A I remember they didn't comply before or after.

20 Q But do you remember if you gave a command and  
21 then waited to see if they would comply?

22 A I don't remember.

23 Q Did you determine that you should deploy pepper  
24 spray at a particular detainee at this time?

25 A Yes.

1 Q Which detainee was that?

2 A Whichever one I got first.

3 Q The left-hand --

4 A I don't know their names, yeah.

5 Q Okay. And why did you decide that the  
6 left-hand detainee should be pepper sprayed first?

7 A That's the one that was being combative that I  
8 seen first.

9 Q And when you say being combative, you mean you  
10 thought he was elbowing an officer?

11 A Yes.

12 Q So that's why you chose to deploy pepper spray  
13 against him first?

14 A Yes.

15 Q I'm going to show you an Exhibit 7.

16 (Plaintiffs' Exhibit 7 was marked  
17 for identification.)

18 BY MS. SWEETSER:

19 Q This is an Exhibit, 6:46:52. Does this exhibit  
20 depict you deploying pepper spray?

21 A You can't tell.

22 Q Do you see a person at the bottom of the table  
23 deploying pepper spray from that position in this  
24 exhibit?

25 A It just looks like I'm standing there.

1 Q Do you know whether you ever deployed pepper  
2 spray from the bottom of the table? Do you remember  
3 that?

4 A I did.

5 Q Do you know about -- was that the next position  
6 you moved to after deploying it in the left-hand side?

7 A Yes. I went around the table.

8 Q Is there a particular detainee you were  
9 spraying when you moved to the bottom of the table?

10 A Yes. The other detainees that it didn't make  
11 contact with.

12 Q And are you -- you pointed at the picture. Are  
13 you gesturing at the right-hand side of the table?

14 A Yes.

15 Q So you moved to the bottom of the table to  
16 spray the detainees on the right-hand side of the table;  
17 is that right?

18 A Yeah.

19 Q And what made you decide to spray the detainees  
20 on the right-hand side?

21 A I only got one over here. All of these that  
22 were on the table were striking the officers that were  
23 attempting to secure them. And I went around so I can  
24 control this side also, and I deployed OC spray there.

25 Q After you deployed the OC spray against the

1 A I don't.

2 Q Okay. You remember them throwing their arms  
3 back at some point?

4 A Yes.

5 Q In order to do that, they had to unlink their  
6 arms?

7 A Yes.

8 Q And you don't remember if that was prior to the  
9 deployment of the pepper sprayer or after?

10 A No, I don't.

11 Q Do you remember if the detainees had linked  
12 arms while you were deploying the pepper spray?

13 MS. AGUADO: Let's take a look at the exhibits.

14 BY MS. SWEETSER:

15 Q Yes. Feel free to look at the exhibits in  
16 front of you.

17 A They're huddled together. You can't tell. I  
18 don't know.

19 Q Do you have any personal recollection of  
20 whether they had linked arms when you were pepper  
21 spraying them?

22 A I believe it was after I sprayed that they  
23 locked arms, which is another sign that they were not  
24 going to comply.

25 Q Did you deploy -- besides the time that we

1 Q Do you remember yourself using any come-along  
2 holds that day?

3 A No.

4 Q You were trained that force can never be used  
5 to impose punishment; is that right?

6 A That's correct.

7 Q Force is only used as a last resort; is that  
8 right?

9 A Yes.

10 Q And you were trained that only the minimum  
11 amount of force necessary should be used; correct?

12 A Yes.

13 Q Were you given two different use-of-force  
14 policies or just one use-of-force policy manual?

15 A What do you mean?

16 Q Were there multiple manuals that you had or  
17 just one policy manual dealing with use of force?

18 A One.

19 Q Were you trained that you're allowed to use  
20 force to maintain or regain order?

21 A Yes.

22 Q You used the word "rebellion" previously. Can  
23 you tell me your understanding of that term?

24 A It's -- my understanding, it's just when you're  
25 going to get no compliance out of the population, and

1       they're against you.

2           Q       When you say "out of the population," do you  
3       mean out of the detainees in the unit as a whole?

4           A       Yes.

5           MS. AGUADO:   Can we take a short break?

6           MS. SWEETSER:   Sure.

7           (Recess was taken from 2:06 p.m. to 2:12 p.m.)

8           MS. SWEETSER:   Back on the record.

9       BY MS. SWEETSER:

10          Q       So before we took the break, we were talking  
11       about rebellions.   And you said that a rebellion is  
12       where the entire population of the unit is against you;  
13       is that correct?

14          A       It can be like a group or -- a small group or  
15       the whole unit.

16          Q       GEO trained you that you can use deadly force  
17       in a rebellion; correct?

18          A       No, not that I recall.

19          Q       What do you recall being trained is the  
20       appropriate response in a rebellion?

21          A       It depends what's going on.   You have to  
22       maintain control of the unit.   It was -- it was getting  
23       out of hand there.

24          Q       Did you think the entire population of the unit  
25       was against you?



1 depends what's presented to you.

2 Q So it doesn't -- there's no -- you weren't  
3 trained that restraining holds are a lower level of  
4 force than pepper spray?

5 A I don't remember the continuum.

6 Q Were you trained that you could use pepper  
7 spray to quell a disturbance?

8 A What's "quell"?

9 Q Is "quell" a term that your training documents  
10 used?

11 A I don't know what "quell" is.

12 Q Okay. Were you trained that you could use  
13 pepper spray to enforce compliance with your orders?

14 A To regain control.

15 Q When you say "regain control," what do you  
16 mean?

17 A When it's out of control.

18 Q So if you --

19 A There's many different ways.

20 Q If you thought a detainee was out of control,  
21 that is when pepper spray should be used; is that right?

22 A If there's also a present danger, like self- --  
23 self-harm or harm of others.

24 Q What were all the factors you were given in  
25 evaluating whether to deploy your pepper spray?

1 A Can you say it again.

2 Q What were all the factors you were told to  
3 consider in deploying your pepper spray?

4 A I don't remember. But I know it's protect  
5 yourself, prevent injury to others, prevent injury to  
6 themselves.

7 Q Have you yourself ever been pepper sprayed?

8 A Yes.

9 Q When was that?

10 A 2007, 2015 --

11 Q Is it part of --

12 A -- 2017, 2018.

13 Q In 2007, was that part of your training --

14 A In the Marines.

15 Q In 2015, was that also part of training?

16 A I think that was when I -- no, I don't  
17 remember. I don't think 2015.

18 Q That one didn't happen?

19 A No, I don't think so.

20 Q Okay. In 2017, was that part of your training  
21 at GEO Group?

22 A When I got promoted, yes.

23 Q And in 2018, was that part of your training in  
24 San Bernardino?

25 A Yes.

1 (Plaintiffs' Exhibit 12 was marked  
2 for identification.)

3 BY MS. SWEETSER:

4 Q Is this a report that you wrote?

5 A Yeah, it appears to be.

6 Q Did you complete -- did you attach the last two  
7 pages to this report, or did you just write the first  
8 two pages?

9 A I just did this page.

10 Q Okay. So you just do the first two pages; is  
11 that right?

12 A Yeah.

13 Q Is there anything in this report that, as you  
14 sit here today, you think is inaccurate or you would  
15 have written differently today?

16 A No. I would have added more details.

17 Q What details would you have added?

18 A All the noncompliance.

19 Q What noncompliance did you not include in this  
20 report?

21 A No, I think it's fine.

22 Q As you review it, now you think you included  
23 all of the noncompliance you saw that day?

24 A Yes.

25 Q Did you report any injuries after writing this

1 STATE OF CALIFORNIA )  
2 COUNTY OF SAN BERNARDINO ) ss.  
3

4 I, Carla J. Ambriz, CSR No. 12504, in and for the  
5 State of California, do hereby certify:

6 That prior to being examined, the witness named  
7 in the foregoing deposition was by me duly sworn to  
8 testify to the truth, the whole truth, and nothing but  
9 the truth;

10 That said deposition was taken down by me in  
11 shorthand at the time and place therein named and  
12 thereafter reduced to typewriting under my direction,  
13 and the same is a true, correct, and complete transcript  
14 of said proceedings;

15 That if the foregoing pertains to the original  
16 transcript of a deposition in a Federal Case, before  
17 completion of the proceedings, review of the transcript  
18 { } was { } was not required.

19 I further certify that I am not interested in  
20 the event of the action.

21 Witness my hand this 21st day of May, 2019.  
22

23   
24

25 Carla J. Ambriz, CSR No. 12504